

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ELMER DAVIS, Regional Director of the
Sixteenth Region of the National Labor
Relations Board, for and on behalf of
the NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

INTERNATIONAL UNION OF OPERATING
ENGINEERS, HOISTING AND PORTABLE
LOCAL 627

v.

BRICK LAYERS LOCAL UNION NO. 9

v.

LABORERS' INTERNATIONAL UNION OF NORTH
AMERICA, LOCAL NO. 1202

v.

CEMENT MASONS' LOCAL UNION 690 of the
O.P. & C. M. I. A.

v.

UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA, LOCAL 943

v.

NORTHEASTERN OKLAHOMA BUILDING &
CONSTRUCTION TRADES COUNCIL

v.

SHEET METAL WORKERS' INTERNATIONAL
ASSOCIATION, LOCAL 270

v.

STEAM FITTERS AND REFRIGERATION FITTERS
LOCAL UNION NO. 205, UNITED ASSOCIATION
OF JOURNEYMEN AND APPRENTICES OF THE
PLUMBING AND PIPE FITTING INDUSTRY
OF THE UNITED STATES AND CANADA, AFL-CIO

v.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 584

Respondents

FILED

MAY 31 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Civil No. 72-C-341

ORDER DISSOLVING INJUNCTION
AND TERMINATING PROCEEDING

This Court having on September 22, 1972, entered a temporary injunction enjoining and restraining respondents from engaging in certain acts and conduct set forth therein, pending the final disposition of the matters involved pending before the National Labor Relations Board, and it appearing to the Court that the National Labor Relations Board has duly entered its Decision and Order in the proceeding before it, which is the Board's final disposition of the matters involved in this proceeding, it is therefore

ORDERED that the temporary injunction entered herein on the 22nd day of September 1972, be, and the same is, vacated and dissolved, and the proceeding herein terminated without costs to either party.

Done at Okeah City, Oklahoma, this 30th
day of May, 1973.


United States District Judge

IN THE UNITED STATES DISTRICT COURT WITHIN AND FOR
THE NORTHERN DISTRICT OF OKLAHOMA

GERALD PROVORSE,

Plaintiff,

vs.

NATIONAL TRAILER CONVOY, INC.,
a Corporation and VERN DOANE,

Defendants.

NO. 72-C-330

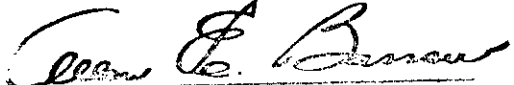
FILED
MAY 30 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON this 30 day of May, 1973, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the plaintiff filed herein against the defendants be and the same hereby is dismissed with prejudice to any future action.

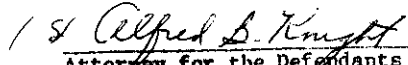

JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

ROGERS, ROGERS & JONES

By: 
Attorney for the Plaintiff

ALFRED B. KNIGHT


Attorney for the Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SAMUEL BENJAMIN BRISTOW, JR.,)
)
 Petitioner,)
)
vs.)
)
STATE OF OKLAHOMA,)
)
 Respondent.)

72-C-378

FILED

2/13/73

J. G. Silver, Clerk
U.S. DISTRICT COURT

ORDER

THE COURT, having examined the Petition for Rehearing filed by the petitioner and directed to the Court's Order of February 7, 1973 denying petition for writ of habeas corpus, together with the Report of the United States Magistrate concerning the same, and being fully advised in the premises, FINDS:

1. That the petition for rehearing filed by petitioner does not state any facts or cite any authority that would, in the interest of justice, justify a modification or revocation of the Order of this Court dismissing petitioner's writ of habeas corpus.

IT IS, THEREFORE, ORDERED:

1. That Petition for Rehearing is dismissed.
2. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Report of the United States Magistrate.

3. That a copy of this Order be furnished by the Clerk of this Court to the respondent by mailing the same to the Attorney General of the State of Oklahoma, State Capitol Building, Oklahoma City, Oklahoma, together with a copy of the Report of the United States Magistrate.

Dated this 21 day of February, 1973.

CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

KENNETH EUGENE SUTTON,
Petitioner,
vs.
PARK J. ANDERSON, Warden of the
Oklahoma State Penitentiary,
McAlester, Oklahoma,
Respondent.

FILED
MAY 21 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

THE COURT, having examined the files and records in this proceeding, which includes a transcript of the proceedings in Case No. CFR-69-27 in the District Court of Tulsa County, State of Oklahoma together with the Second Report of the United States Magistrate concerning the same, and being fully advised in the premises, FINDS:

1. The petitioner has exhausted all remedies available to him in the courts of the State of Oklahoma.
2. The petitioner is unable to pay fees and costs or to give security therefor.
3. An evidentiary hearing is not required since the petition filed herein and the records and files examined by the Court conclusively show that petitioner is not entitled to relief and no factual issues are raised.

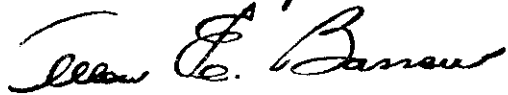
1. That said petitioner be and he hereby is authorized to proceed in forma pauperis.
2. That the motion for appointment of counsel to represent petitioner in this proceeding be and the same is hereby denied.

3. The Petition for Habeas Corpus filed herein be and the same is hereby dismissed.

4. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Second Report of the United States Magistrate.

5. That the Clerk of this Court furnish to respondent a copy of this Order together with a copy of the Second Report of the United States Magistrate by mailing same to the Attorney General of the State of Oklahoma, State Capitol Building, Oklahoma City, Oklahoma.

Dated this 28th day of May, 1973.



CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM GRAYSON FLECHER,)
)
 Petitioner,)
)
 vs.)
)
 PARK J. ANDERSON, WARDEN,)
 OKLAHOMA STATE PENITENTIARY,)
 McALESTER, OKLAHOMA,)
)
 Respondent.)

72-C-249

Jack C. Clark
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files and records of this proceeding, together with the Third Report of the United States Magistrate, and being fully advised in the premises, FINDS:

1. That petitioner's motion for rehearing on the findings of the Order of the Court denying petitioner's writ of habeas corpus is without merit. Petitioner's motion is not supported by any allegations of fact or supporting authorities but consists only of general statements. Atkins vs. State of Kansas, 386 F.2d 819 (1967) Tenth Circuit.

2. Petitioner's motion for certificate of probable cause is without merit. The court cannot conceive of any meritorious ground for appeal and finds that said motion is frivolous and that there is no substantial question of law for court of appeals to review.

3. Petitioner's right to proceed on appeal in forma pauperis is not sustained by the record. The Court further finds that the record does not disclose any facts which would entitle petitioner to relief on the merits of said action.

IT IS, THEREFORE, ORDERED.

1. Motion for rehearing is denied.

It is denied for the reasons hereinabove stated.

3. That petitioner's right to appeal in forma pauperis is denied for the reasons that the Court finds that grounds alleged for appeal are frivolous. The Court further finds that the files in this case fail to disclose any grounds which would entitle petitioner to relief on the merits.

4. The Clerk of the Court will spread of record Petitioner's notice of intent to appeal.

5. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Third Report of the United States Magistrate.

6. That the Clerk of this Court furnish to respondent a copy of this Order together with a copy of the Third Report of the United States Magistrate by mailing the same to the Attorney General of the State of Oklahoma, State Capitol Building, Oklahoma City, Oklahoma.

Dated this 20th day of June, 1973.

CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

| | | |
|--------------------|---|---------|
| QUINCY RAY LEIGH, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | 73-C-47 |
| |) | |
| STATE OF OKLAHOMA, |) | |
| |) | |
| Respondent. |) | |

J. E. D.,
Feb 21 1973
Frank C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the petition for writ of habeas corpus filed herein by the Clerk, together with the motion for leave to proceed in forma pauperis and the required affidavit, and having further examined the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. The Court entered its Order on February 20, 1973 permitting petitioner to prosecute this proceeding to conclusion without prepayment of fees or costs or security therefor.

2. It does not appear that the applicant has exhausted the remedies available in the courts of the State of Oklahoma, or that there is either an absence of available state corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the petitioner. 28 U.S.C.A. § 2254. Although the petitioner did pursue an unsuccessful direct appeal from the state judgment of conviction, he has chosen to ignore the state post-conviction remedy provided by 22 O.S.A. § 1080 et seq. The institution of a post-conviction action in the state sentencing court is a prerequisite to the granting of habeas relief in federal court. Brown vs. Crouse, 395 F.2d 755 (C.A. 10 1968) and Omo vs. Crouse, 395 F.2d 757 (C.A. 10 1968).

IT IS, THEREFORE, ORDERED:

1. The motion for leave to proceed in forma pauperis being heretofore granted is affirmed.

2. The case is dismissed.

3. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate.

4. That a copy of this Order be furnished by the Clerk of this Court to the respondent by mailing the same to the Attorney General of the State of Oklahoma, State Capitol Building, Oklahoma City, Oklahoma, together with a copy of the Initial Report of the United States Magistrate.

Dated this 27 day of May, 1973.

CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

CLAUDE AARON PARKS,)
)
 Petitioner,)
)
 -vs-) Case No. 73-C-131
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

JOHN EDGAR HOOVER
U. S. DISTRICT COURT

(1) That the Federal Government lost jurisdiction over him regarding Criminal Case No. 71-CR-103 in this Court, in which he was convicted and received a four-year sentence, by surrendering him to the State of California, and,

Petitioner was arrested in Criminal Case No. 71-CR-103 in this Court on March 30, 1971 and released on bond on April 29, 1971. He apparently violated the terms of this bond by going to California without permission where he was arrested and charged with a crime against the laws of California. On or about September 22, 1971 by Writ of Habeas Corpus Ad Prosequendum Petitioner was borrowed

by the Federal Government from the State of California for trial in said Criminal Case No. 71-CR-103 in this Court but Petitioner was returned to California on or about September 30, 1971 without being tried. On or about October 8, 1971 Petitioner was sentenced to one year in a State Court in California, " . . . to run concurrently with any federal sentence that may be now pending." No federal sentence was pending on October 8, 1971. On or about October 12, 1971 Petitioner was again borrowed by Writ of Habeas Corpus Ad Prosequendum from the State of California for trial in this Court in said Criminal Case No. 71-CR-103. On November 29, 1971 said Petitioner was tried in this Court, found guilty and sentenced to four years imprisonment. Petitioner was held here for a period of time to allow him to perfect an appeal from his conviction and sentence in this Court. (Petitioner's conviction and sentence was affirmed in due course.) On or about January 3, 1972 Petitioner was returned to California from which state he was borrowed by the federal government. En route to California Petitioner was lodged overnight on January 1, 1972 at the United States Reformatory at El Reno, Oklahoma. On February 26, 1972, upon completing his California State sentence, Petitioner was delivered to the federal government on the four year sentence imposed by this Court.

In the above circumstances, the federal government has not lost jurisdiction of Petitioner regarding the

conviction and sentence imposed in Criminal Case No. 71-CR-103 in this Court. Jones v. Taylor, 327 F. 2d 493 (Tenth Cir. 1964) is the one of a great number of cases that provides:

"When a person is convicted of independent crimes in state and federal courts, the question of jurisdiction and custody is one of comity between the two governments and not a personal right of the prisoner."

In Gregory v. Page, 289 F. Supp. 316 (ED Okla. 1968) the Court said:

" . . . the arrangements between sovereigns for Petitioner's custody, the laws of both having been violated by him, is not his concern." (citing numerous authorities)

California took custody of the Petitioner while he was free on bond from this Court. The federal government borrowed Petitioner from California for trial on the charge in this Court and upon conclusion thereof returned Petitioner to California which had first claim on him for whatever time he owed that state. When Petitioner finished his sentence in California he was delivered to the federal government in connection with the sentence imposed by this Court. The arrangements effected between the two sovereigns involved is not the concern of Petitioner. Therefore, Petitioner's claim that the federal government has lost jurisdiction of him under the record facts of this case is without merit.

As to Petitioner's second contention the same is likewise without merit.

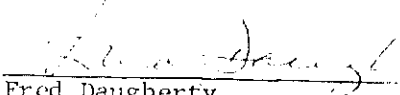
18 U.S.C. §3568 reads in part as follows:

"The sentence of imprisonment of any person convicted of an offense shall commence to run from the date on which such person is received at the penitentiary, reformatory, or jail for service of such sentence. The Attorney General shall give any such person credit toward service of his sentence for any days spent in custody in connection with the offense or acts for which sentence was imposed."

Petitioner has been properly credited with the thirty-one days he was held in custody on the case in this Court. This thirty-one days is represented by the period between his arrest on March 30, 1971 and release on bond on April 29, 1971. Petitioner was not held in custody by the federal government in connection with the offense or acts charged in this Court for those periods of time he was borrowed from the State of California. Rather, during said periods of time he was in the custody of the State of California for the offense or acts committed in that state. Howard v. United States, 420 F. 2d 478 (Fifth Cir. 1970). Petitioner's jail time credit allowed on his federal sentence of thirty-one days is the correct computation under the law.

As Petitioner's claims are without merit according to official records as a matter of law, the Court declines his request for the appointment of counsel on the basis of indigency.

By reason of the foregoing, Petitioner's action
is dismissed this 25 day of May, 1973.


Fred Daugherty
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

HARTFORD FIRE INSURANCE COMPANY,
Plaintiff

vs

JOHN E. WOLFE, d/b/a BULL CREEK SOD
FARMS, INC., CONNELL CATON, a minor
by his next friend, GRADY B. CATON,
and JOHN MOON by his next friend,
CHARLES J. MOON,

Defendants

FILED

NOV 14 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

NO. 72-C-466

J U D G M E N T

Based upon the Findings of Fact and Conclusions of
Law this day filed with the Clerk of this Court, it is

THE JUDGMENT AND DECREE OF THIS COURT that the
insurance policy being the subject matter of this action does
provide coverage to the defendant, John E. Wolfe, d/b/a Bull
Creek Sod Farms, Inc., against the claims of Connell Caton and
John Moon, and that the plaintiff, Hartford Fire Insurance
Company, is ordered to defend said actions and indemnify this
defendant against any such claims, law suits or judgments in
favor of Connell Caton and John Moon and against this defendant
to the limits set out and provided in said policy of insurance.

IT IS A FURTHER JUDGMENT AND DECREE OF THIS COURT
that the defendant, John E. Wolfe d/b/a Bull Creek Sod Farms,
Inc., have and recover judgment against the plaintiff Hartford
Fire Insurance Company, in the amount of \$ 1500.00
as and for attorneys' fees for the defense of this proceeding.

5-24-1973

THERMO-CHEM CORPORATION,)
)
 Plaintiff,) CIVIL ACTION NO. 73-C-16
)
 v.)
)
 GENERAL MOTORS CORPORATION,)
 GMC TRUCK & COACH DIVISION,)
 CRAGER GMC, INC., and)
 CHEVROLET MOTOR DIVISION,)
)
 Defendants.)

FILED
MAY 24 1973
Jack C. Silver, Clerk

MAY 24 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Entered this 31 day of May, 1973.

United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MERY S. MOIR, individually and as widow of)
and as heir of the Estate of HAROLD D. MOIR, JR.,)
deceased, and as mother, next friend, natural)
guardian and legal representative of NORMAN DUNCAN)
MOIR, STEPHEN ALEXANDER MOIR, and DONALD B. MOIR,) 71-C-11
infant children of said deceased,)
Plaintiff)
-against-)
SPARTAN AVIATION, INC.,)
Defendant.)

ORDER OF DISMISSAL

Oral application having been made in open court by attorneys for the plaintiff and this plaintiff, through Counsel, having announced in open court that all issues of law and fact have been compromised and settled and an Order For Distribution of Settlement Proceeds having been filed herein, this cause is hereby dismissed with prejudice.

LUTHER BOHANON

5-24-73

Judge of the United States District Court

FILED
MAY 24 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

-----)
MERY S. MOIR, individually and as widow of)
and as heir of the Estate of HAROLD D. MOIR, JR.,)
deceased, and as mother, next friend, natural)
guardian and legal representative of NORMAN DUNCAN)
MOIR, STEPHEN ALEXANDER MOIR, and DONALD B. MOIR,) 71-C-11
infant children of said deceased,)

Plaintiff

-against-

SPARTAN AVIATION, INC.,

Defendant.

FILED

MAY 25 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER FOR DISTRIBUTION OF SETTLEMENT PROCEEDS

This matter comes on for hearing this 25 day of May, 1973, on the Petition of Mery S. Moir in her individual capacity, and as widow and heir of the Estate of Harold D. Moir, Jr., deceased, and as mother, next friend, natural guardian and legal representative of Norman Duncan Moir, Stephen Alexander Moir, and Donald B. Moir, infant children of said deceased, for the compromise of all causes of action stated in the above styled cause and all claims of the above named parties against the defendant in this cause, and for the order of this Court allocating the settlement proceeds among the above named parties.

The Court being fully apprised in the premises finds that the compromise of all causes of action stated in this cause and all claims of Mery S. Moir, individually and as widow of and as heir of the Estate of Harold D. Moir, Jr., deceased, and as mother, next friend, natural guardian and legal representative of Norman Duncan Moir, Stephen Alexander Moir, and Donald B. Moir, infant children of said deceased, arising out of the incidents alleged in this cause, for the sum of \$275,000.00, should be approved, and that such amount should be distributed in accordance

with the schedule set forth in EXHIBIT A attached to the Affidavit supporting plaintiff's Petition now being heard.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above described compromise be, and it is hereby, approved, and distribution of the proceeds of settlement be distributed in accordance with the schedule set forth in EXHIBIT A attached hereto.

LUTHER BOHANON
UNITED STATES DISTRICT JUDGE

PROPOSED DISTRIBUTION SCHEDULE

1. Distribution Computation

| | |
|--------------------------|---------------------|
| Settlement | \$275,000.00 |
| Attorneys fees | <u>91,666.67</u> |
| Net distributable Amount | <u>\$183,333.33</u> |

2. Proposed Distribution

| | | | | |
|-----|---|----|----------------------|---|
| (a) | Mery S. Moir | \$ | 61,111.11 | (33.3% of N.D.A.) |
| (b) | Mery S. Moir, as Guardian of Norman Duncan Moir | | 40,740.74 | (22.2% of N.D.A.) |
| (c) | Mery S. Moir, as Guardian of Stephen Alexander Moir | | 40,740.74 | (22.2% of N.D.A.) |
| (d) | Mery S. Moir, as Guardian of Donald B. Moir | | 40,740.74 | (22.2% of N.D.A.) |
| (e) | Kreindler & Kreindler | | <u>91,666.67</u> | Total Attorneys' fees (Expenses are being waived) |
| | | | <u>\$ 275,000.00</u> | |

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
An article of food consisting of)
248 jars, more or less, labeled)
in part:)
)
(jar front))
)
"Tamara Natural Bee-Gathered)
Pollen Pellets Produced from wild)
mixed flora. Dist. Tamara, New)
York, N.Y. 10023 Net Cont. 5 Ozs")
)
(jar back))
)
"These Pellets are in their)
original state as gathered by)
the Bees. Not pulverized or)
processed and are nature dried)
and not heated. A Food Supple-)
ment containing Proteins, Amino)
Acids, Natural Sugar and)
Vitamins. Take 1 - 2 teaspoons)
daily before meals mixed in water)
or other beverages.")
)
Defendant.)

NO. 73-C-55

DEFAULT DECREE OF CONDEMNATION

FILED

MAY 24 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

On February 20, 1973, a Complaint for Forfeiture against the above described article was filed on behalf of the United States of America. The Complaint alleges that the article proceeded against is a food which was introduced into interstate commerce in violation of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 342(a)(3) in that it consists wholly or in part of a filthy substance by reason of the presence therein of insects.

That the aforesaid article was misbranded when introduced into and while in interstate commerce, within the meaning of said Act, 21 U.S.C. 343(a) in that the label statements, "A food supplement" and "containing proteins, amino acids, natural sugar, and vitamins" represent and suggest that the article has special nutritional value as a dietary supplement of proteins, amino acids, and vitamins which representations and suggestions are false and misleading since they are contrary to fact.

That the aforesaid article was further misbranded when introduced into and while in interstate commerce, within the meaning of Chapter III of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) as provided by the Fair Packaging and Labeling Act (15 U.S.C. 1456) in that the article was in package form and was in violation of the Fair Packaging and Labeling Act, 15 U.S.C. as follows:

1453(a)(2) in that the declaration of the net quantity of contents is not separately stated upon the principal display panel of the label of the article, as required by regulations 21 CFR 1.8b(f) and (i), since said declaration on said display panel is not separated (by at least a space equal to the height of the lettering required to be used in the declaration, namely not less than 1/8 inch in height) from other printed label information appearing above the declaration;

1453(a)(3)(A)(i) in that the jars of the article contain less than 4 pounds and are labeled in terms of weight, and the label statement of net quantity of contents is not expressed as required by regulation 21 CFR 1.8b(j)(3), since the term "net weight" is not used in the label statement of net quantity of contents; and

1453(a)(3)(C)(i) in that the label statement of net quantity of contents appearing upon the jars of the article does not contain letters and numerals in a type size which has been established by regulations, 21 CFR 1.8b(i)(2), in relationship to the area of the principal display panel of the jars, since said display panel has an area of more than 5 square inches but not more than 25 square inches and the statement of net quantity of contents on said display panel contains letters and numerals in a type size of less than 1/8 inch in height.

Pursuant to monition issued by this Court, the United States Marshal for this District seized said article on February 21, 1973.

It appearing that process was duly issued herein and returned according to law; that notice of the seizure of the above described article was given according to law; and that no persons have appeared or interposed a claim before the return day named in said process;

Now, Therefore, on motion of Nathan G. Graham, United States Attorney for the Northern District of Oklahoma, by Robert P. Santee, Assistant United States Attorney, for a Default Decree of Condemnation and Destruction, the Court being fully advised in the premises, it is

ORDERED, ADJUDGED AND DECREED that the default of all persons be and the same are entered herein; and it is further

ORDERED, ADJUDGED AND DECREED that the article so seized is adulterated within the meaning of 21 U.S.C. 342(a)(3) in that said article consists in part of a filthy substance by reason of the presence therein of insects; the article was misbranded when introduced into and while in interstate commerce, within the meaning of said Act, 21 U.S.C. 343(a) in that the label statements, "A food supplement" and "containing proteins, amino acids, natural sugar, and vitamins" represent and suggest that the article has special nutritional value as a dietary supplement of proteins, amino acids, and vitamins which representations and suggestions are false and misleading since they are contrary to fact; the article was further misbranded when introduced into and while in interstate commerce, within the meaning of Chapter III of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) as provided by the Fair Packaging and Labeling Act (15 U.S.C. 1456) in that the article was in package form and was in violation of the Fair Packaging and Labeling Act, 15 U.S.C. as follows:

1453(a)(2) in that the declaration of the net quantity of contents is not separately stated upon the principal display panel of the label of the article, as required by regulations 21 CFR 1.8b(f) and (i), since said declaration on said display panel is not separated (by at least a space equal to the height of the lettering required to be used in the declaration, namely not less than 1/8 inch in height) from other printed label information appearing above the declaration;

1453(a)(3)(A)(i) in that the jars of the article contain less than 4 pounds and are labeled in terms of weight, and the label statement of net quantity of contents is not expressed as required by regulation 21 CFR 1.8b(i)(3), since the terms "net weight" is not used in the label statement of net quantity of contents;

1453(a)(3)(C)(i) in that the label statement of net quantity of contents appearing upon the jars of the article does not contain letters and numerals in a type size which has been established by regulations, 21 CFR 1.8b(i)(2), in relationship to the area of the principal display panel of the jars, since said display panel has an area of more than 5 square inches but not more than 25 square inches and the statement of net quantity of contents on said display panel contains letters and numerals in a type size of less than 1/8 inch in height;

ORDERED, ADJUDGED AND DECREED that the article is condemned and forfeited to the United States pursuant to 21 U.S.C. 334(a), and it is further

ORDERED, ADJUDGED AND DECREED that the United States Marshal in and for the Northern District of Oklahoma shall forthwith destroy the seized article and make return due to this Court.

Dated this 24 day of July, 1973.

William F. Bohannon
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LUCILLE SMITH,)
)
Plaintiff,)
)
vs.)
)
CINECOLOR, INC., and)
COLORFOTO, INC.,)
)
Defendants.)

Case No. 73-C-41

JUDGMENT BY DEFAULT UPON
APPLICATION

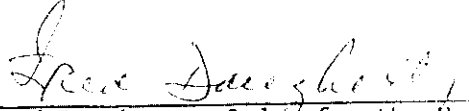
F I L E D
MAY 16 1973
Jack C. Sibel
U. S. DISTRICT COURT

In this action the defendants, Cinecolor, Inc., and Colorfoto, Inc., having been legally served with summons and Complaints, and having failed to answer or otherwise defend, and the time having expired and default of the defendants, Cinecolor, Inc., and Colorfoto, Inc., in the premises having been duly entered according to law; now upon the application of the plaintiff a judgment is hereby entered against the said defendants, and each of them, in pursuance of the prayer of said Complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff, Lucille Smith, have and recover from the defendants, Cinecolor, Inc., and Colorfoto, Inc., the principal sum of \$10,568.12 with interest thereon at the rate of 10% per annum from this date, until paid, together with a further sum of \$2,284.03 attorneys fee and all accruing costs in this matter and plaintiff have execution therefore.

JUDGMENT RENDERED THIS 18 DAY OF MAY, 1973.


Fred Daugherty, Judge for the United
States District Court for the North-
ern District of Oklahoma

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack G. [unclear]
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
170.00 ACRES OF LAND, MORE OR)
LESS, SITUATE IN NOWATA COUNTY,)
STATE OF OKLAHOMA, AND LEWIS)
PETROLEUM COMPANY, ET AL., AND)
UNKNOWN OWNERS,)
)
Defendants.)

CIVIL ACTION NO. 71-C-112

Tract Nos. 1512M, 1514M,
1662M, and
1664M

LESSOR (ROYALTY) INTEREST ONLY

J U D G M E N T

Now, on this 17th^{1.} day of May, 1973, this
matter comes on for disposition on application of the Plaintiff,
United States of America, for entry of judgment on the Report
of Commissioners filed herein on March 21, 1973, and the Court,
after having examined the file in this action and being advised
by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the
subject matter of this action.

3.

This judgment applies only to the lessor (royalty)
interest in the estate taken in Tract Nos. 1512M, 1514M, 1662M,
and 1664M as such estate and tracts are described in the Com-
plaint filed in this case.

4.

Service of Process has been perfected either personally
or by publication notice, as provided by Rule 71A of the Federal
Rules of Civil Procedure, on all parties defendant in this
cause who are interested in the subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on April 2, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$1,200.00 in the Registry of this Court as estimated compensation for the lessor (royalty) interest in the estate taken, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of April 2, 1971.

6.

The Report of Commissioners filed herein on March 21, 1973, is hereby accepted and adopted as findings of fact as to the subject tracts, wherein the amount of just compensation as to the lessor (royalty) interest in the estate taken therein is fixed by the Commission at \$2,100.00.

7.

The Defendants named in paragraph 11 as owners of the lessor (royalty) interest in the estate taken in the subject tracts are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was a subsisting oil and gas lease on these tracts on the date of taking. Said named Defendants were the owners of the lessor (royalty) interest in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 11 below.

8.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the lessor (royalty)

interest in the estate taken in the subject tracts and the amount fixed by the Commission and adopted by the Court as just compensation; therefore, a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaint filed herein, and such property, to the extent of the lessor (royalty) interest in the estate described in such Complaint, is condemned and title to such lessor (royalty) interest in such estate is vested in the United States of America, as of April 2, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the lessor (royalty) interest in the estate taken herein in the subject tracts were the Defendants whose names appear below in paragraph 11 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named; and, there was a subsisting oil and gas lease on these tracts on the date of taking.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on March 21, 1973, is hereby confirmed insofar as it applies to the lessor (royalty) interest in the estate taken herein and the \$2,100.00 therein fixed is adopted as the award of just compensation for

the lessor (royalty) interest in the subject tracts, which is allocated and should be disbursed according to the following schedule:

TRACT NOS. 1512M, 1514M, 1662M, and 1664M PLUS THE HARMON LEASE

These tracts plus the Harmon Lease (inadvertently called the Howard Lease in the Commissioners' Report and the Clerk's Notice) comprise a portion of the "Hoffman-Mancill Bartlesville Sand Unit" by virtue of Order No. 30585 of the Oklahoma Corporation Commission in case number 7084 wherein these tracts and the Harmon Lease were communitized between the various owners of the oil and gas interests.

The Commissioners' Report herein awards the just compensation for the lessor (royalty) interest by each tract and the Harmon Lease separately with the oil reserve and residual value combined in the respective awards for the separate tracts and the Harmon Lease. Therefore, the allocation and distribution of said awards are as follows:

TRACT NO. 1512M

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

ALLOCATION OF AWARD (Pursuant to Commissioners' Report):

LESSOR (ROYALTY) INTEREST:

| Owners | Interest | Share of Award | Previously Disbursed | Balance Due |
|---|----------|----------------|----------------------|-------------|
| Sallie Teague, if living, otherwise her heirs when established. | All | \$308.00 | None | \$308.00 |

AWARD OF JUST COMPENSATION:
(pursuant to Commissioners' Report)

| | |
|--|--------------------------------------|
| Lessor (Royalty) Interest | \$308.00 |
| DEPOSIT OF ESTIMATED COMPENSATION. | \$158.00 |
| DEPOSIT DEFICIENCY | \$150.00 |
| | Plus 6% Interest from April 2, 1971. |

TRACT NO. 1514M

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

ALLOCATION OF AWARD (Pursuant to Commissioners' Report):

LESSOR (ROYALTY) INTEREST:

| Owners | Interest | Share of Award | Previously Disbursed | Balance Due |
|---------------------|----------|----------------|----------------------|-------------|
| Helen Mae Barr | 1/3 | \$222.33 | None | \$222.33 |
| Gladys Marie Hardin | 1/3 | \$222.33 | None | \$222.33 |
| Alma Jewell Barnes | 1/3 | \$222.34 | None | \$222.34 |

AWARD OF JUST COMPENSATION:
(pursuant to Commissioners' Report)

Lessor (Royalty) Interest \$667.00
DEPOSIT OF ESTIMATED COMPENSATION \$370.00
DEPOSIT DEFICIENCY \$297.00
Plus 6% Interest from
April 2, 1971.

TRACT NO. 1662M

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

ALLOCATION OF AWARD (Pursuant to Commissioners' Report):

LESSOR (ROYALTY) INTEREST:

| Owners | Interest | Share of Award | Previously Disbursed | Balance Due |
|---------------|----------|----------------|----------------------|-------------|
| C. W. Chapman | All | \$367.00 | None | \$367.00 |

AWARD OF JUST COMPENSATION:
(pursuant to Commissioners' Report)

Lessor (Royalty) Interest \$367.00
DEPOSIT OF ESTIMATED COMPENSATION \$364.00
DEPOSIT DEFICIENCY \$ 3.00
Plus 6% Interest from
April 2, 1971.

TRACT NO. 1664M & HARMON LEASE

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

ALLOCATION OF AWARD (Pursuant to Commissioners' Report):

LESSOR (ROYALTY) INTEREST:

| Owners | Interest | Share of Award | Previously Disbursed | Balance Due |
|--------------------------|----------|----------------|----------------------|-------------|
| Ethel W. Mancill | 1/2 | \$379.00 | None | \$379.00 |
| a/k/a Ethel W. Mueller | | | | |
| Julia J. Harmon, Hugh) | | | | |
| Conine, George L.) | | | | |
| Hangs, George W. Lee,) | | | | |
| L. A. Leffler, and The) | 1/2 | \$379.00 | None | \$379.00 |
| First National Bank of) | | | | |
| Nowata, as Trustees of) | | | | |
| Pearl M. Harmon and) | | | | |
| Julia J. Harmon) | | | | |
| Foundation) | | | | |

AWARD OF JUST COMPENSATION: (Tract No. 1664 - \$550 & Harmon
Lease - \$208, pursuant to Commissioners' Report)

Lessor (Royalty) Interest \$758.00
DEPOSIT OF ESTIMATED COMPENSATION \$308.00
DEPOSIT DEFICIENCY \$450.00
Plus 6% Interest from
April 2, 1971.

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts as shown in paragraph 11 in the amount of \$900.00 together with interest on such deficiency at the rate of 6% per annum from April 2, 1971, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for the subject tracts in this action.

13.

IT IS FURTHER ORDERED that when the deposit required by paragraph 11 above has been made by the Plaintiff, the Clerk of this Court shall then disburse, from the deposit in this case, the balance due the respective owners with their pro-rata share of the accrued interest, according to the schedule in paragraph 11, EXCEPT as to Tract Nos. 1512M for the reason set forth in the following paragraph.

14.

IT IS FURTHER ORDERED that the share of the award due to Sallie Teague, if living, or, if deceased, to her heirs shall not be disbursed at the present time because it appears that Sallie Teague is deceased but her heirs have not yet been determined. When such determination is made, the Court will enter an appropriate order of disbursal. In the event that the balance due to any defendants remains on deposit for a period of five years from the date of filing this judgment, then, after that period, the Clerk of this Court, without further order shall disburse the balance on deposit for subject tract to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

/s/ Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.s.) Civil Action No. 73-C-34
)
THOMAS B. HARRISON and GLORIA)
L. HARRISON, et al.,)
)
Defendants.)

FILED

MAY 17 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day
of May, 1973, the plaintiff appearing by Robert P. Santee, Assistant
United States Attorney, and the defendants, Thomas B. Harrison and
Gloria L. Harrison, appearing by their attorney, Larry L. Oliver,
and the defendant, Finance Corporation, having filed its Disclaimer
herein on April 10, 1973, and

The Court being fully advised and having examined
the file herein finds that the defendants, Thomas B. Harrison and
Gloria L. Harrison, were personally served copies of the Summons
and Complaint on February 14, 1973, and that the defendant, Finance
Corporation, was personally served with copies of the Summons and
Complaint on February 2, 1973, all as appears from the Marshal's
Returns of Service herein, and

It appearing that the defendants, Thomas B. Harrison and
Gloria L. Harrison, have duly filed their Answer herein, and defen-
dant, Finance Corporation, has duly filed its Disclaimer herein, the
following findings of fact and conclusions of law are herewith
entered by the Court, with approval of counsel for the defendants,
Thomas B. Harrison and Gloria L. Harrison.

The Court further finds that this is a suit based
upon a mortgage note and foreclosure on a real property
mortgage securing said mortgage note and that the following described
real property is located in Tulsa County, Oklahoma, within the
Northern Judicial District of Oklahoma:

Lot Twenty (20), Block Forty-Eight (48), VALLEY VIEW ACRES THIRD ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

THAT the defendants, Thomas B. Harrison and Gloria L. Harrison, did, on May 16, 1969, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$11,500.00 with 7 1/2 per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Thomas B. Harrison and Gloria L. Harrison, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than twelve months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$11,220.63 as unpaid principal, with interest thereon at the rate of 7 1/2 per cent interest per annum from May 16, 1972, until paid, plus the cost of this action accrued and accruing.

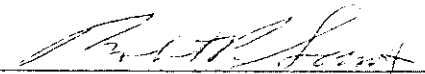
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Thomas B. Harrison and Gloria L. Harrison, for the sum of \$11,220.63 with interest thereon at the rate of 7 1/2 per cent per annum from May 16, 1972, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting or sums for the preservation of the subject property.

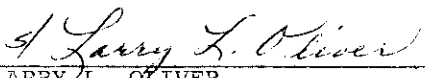
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant U. S. Attorney
Attorney for Plaintiff,
United States of America


LARRY L. OLIVER
OLIVER & EVANS
Attorneys for Defendants,
Thomas B. Harrison and
Gloria L. Harrison

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 17 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 30.00 Acres of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and John G.)
 Albin, et al., and Unknown)
 Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-115

Tract No. 1558M

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 20.00 Acres of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and F. A.)
 Calvert, et al., and Unknown)
 Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-116

Tract No. 1559M

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 30.00 Acres of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and Ralph)
 W. Wallingford, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-117

Tracts Nos. 1904M and 1909M

J U D G M E N T

(All Interests in Cases 71-C-115
thru 71-C-127)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 50.00 Acres of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and Flagg)
 Oil Corporation, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-118
 Tracts Nos. 1905M and 1913M

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and P.I.C.)
 Management Co., Inc., et al.,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-119
 Tracts Nos. 1906M and 1911M

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 20.00 Acres of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and Mary M.)
 Stevenson, et al., and Unknown)
 Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-120
 Tract No. 1907M

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 10.00 Acres of Land, More or)
 Less, Situate in Nowata County,)
 State of Oklahoma, and B. F.)
 Brundred, et al., and Unknown)
 Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-121
 Tract No. 1908M

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
30.00 Acres of Land, More or)
Less, Situate in Nowata County,)
State of Oklahoma, and Jasper)
Myers, et al., and Unknown)
Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-122
Tract No. 1919M

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
30.00 Acres of Land, More or)
Less, Situate in Nowata County,)
State of Oklahoma, and C. C.)
Harmon, et al., and Unknown)
Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-123
Tract No. 1921M

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
30.00 Acres of Land, More or)
Less, Situate in Nowata County,)
State of Oklahoma, and Mildred)
M. Viles, et al., and Unknown)
Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-124
Tract No. 1922M

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
20.00 Acres of Land, More or)
Less, Situate in Nowata County,)
State of Oklahoma, and B. J.)
Badger, et al., and Unknown)
Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-125
Tract No. 1924M

| | | |
|---------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO. 71-C-126 |
| |) | |
| 10.00 Acres of Land, More or |) | Tract No. 1925M |
| Less, Situate in Nowata County, |) | |
| State of Oklahoma, and Glenn |) | |
| Gibson, et al., and Unknown |) | |
| Owners, |) | |
| Defendants. |) | |

| | | |
|---------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO. 71-C-127 |
| |) | |
| 10.00 Acres of Land, More or |) | Tract No. 1926M |
| Less, Situate in Nowata County, |) | |
| State of Oklahoma, and Emma J. |) | |
| White, et al., and Unknown |) | |
| Owners, |) | |
| Defendants. |) | |

JUDGMENT -- ALL INTERESTS

1.

NOW, on this 16 day of May, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Reports of Commissioners filed herein on March 16, 1973, and the Court, after having examined the files in this action, and being advised by counsel, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in all of the tracts included in all of the cases listed in the caption above, as such tracts and estate are described in the Complaints filed in the captioned civil actions.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in these actions who are interested in the subject property.

4.

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on April 2, 1971, the United States of America filed its Declarations of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments

6.

Simultaneously with filing of the Declaration of Taking, there were deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tracts, certain sums of money, and part of these deposits has been disbursed, as set out below in paragraph 12.

7.

The Reports of Commissioners filed herein on March 16, 1973, hereby are accepted and adopted as findings of fact in regard to the subject property. The amount of just compensation as to the subject property, as fixed by the Commissioners, is set out below in paragraph 12.

8.

This judgment will create a deficiency in the deposit of estimated compensation as to some of the cases but will create a surplus in the deposit as to other cases. The calculation of these deficiencies and surpluses is set forth in paragraph 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject tracts are the only defendants asserting any claim to such estate. All other defendants having either disclaimed or defaulted, as of the date of taking, the named defendants were the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as they are described in the Complaints filed herein, and such property, to the extent of the estate described in such Complaints, is condemned, and title to such property is vested in the United States of America, as of April 2, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

5.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estate taken herein in subject tracts were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Reports of Commissioners filed herein on March 16, 1973, hereby are confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tracts, as shown by the following schedule:

PART I. WORKING INTEREST ONLY in all tracts combined in cases 71-C-115 through 71-C-127, inclusive.

Owners:

P.I.C. Management Co., Inc. ----- 1/2
H. S. Milam ----- 1/6
Mildred M. Viles ----- 1/6
Mary M. Stevenson now Hackett ----- 1/6

Deposited as estimated compensation and disbursements, by case:

| Case No. | Tract | Deposited | Disbursed to Owners |
|--------------|------------------|-------------|---------------------|
| 71-C-115 | 1558M | \$ 8,722.00 | \$ 8,722.00 |
| 71-C-116 | 1559M | 6,612.00 | None |
| 71-C-117 | 1904M & 1909M | 5,480.00 | 5,480.00 |
| 71-C-118 | 1905M & 1913M | 17,255.00 | 17,255.00 |
| 71-C-119 | 1906M & 1911M | 5,366.00 | 5,366.00 |
| 71-C-120 | 1907M | 3,559.00 | 3,559.00 |
| 71-C-121 | 1908M | 495.00 | 495.00 |
| 71-C-122 | 1919M | 765.00 | 765.00 |
| 71-C-123 | 1921M | 9,748.00 | 9,748.00 |
| 71-C-124 | 1922M | 4,065.00 | 4,065.00 |
| 71-C-125 | 1924M | 3,983.00 | 3,983.00 |
| 71-C-126 | 1925M | None | None |
| 71-C-127 | 1926M | 581.00 | 581.00 |
| Totals ----- | | \$66,631.00 | \$60,019.00 |

| | Deposited | Disbursed to Owners |
|--|-------------|------------------------|
| Totals (repeated) ----- | \$66,631.00 | \$60,019.00 |
| Award of just compensation pursuant to Commissioners' Report ----- | 65,000.00 | 65,000.00 |
| Balance due to owners ----- | | \$ 4,981.00 |
| Surplus deposit ----- | \$ 1,631.00 | |

PART II. All interests other than working interest, in all tracts,
by Civil Action.

A. Civil Action No. 71-C-115 (Tract No. 1558M)
Lessor (mineral) interest only

Owners:

John G. Albin and) ----- 1/6
Nondis D. Albin)
W. V. Davis, Administrator of the
Estate of George H. Bonnell, deceased -- 2/15
Ezella Bonnell ----- 2/15
Ruth B. Johnson ----- 2/15
Tempie B. Tennant ----- 2/15
Thelma B. Waller ----- 2/15
Nelesene Wallingford and) ----- 1/6
Ralph W. Wallingford)

Award of just compensation pur-
suant to Commissioners' Report -- \$4,375.00 \$4,375.00

Deposited as estimated
compensation ----- 2,253.00

Disbursed to owners:

To Nelesene Wallingford and
Ralph W. Wallingford only ----- 375.50

Balance due to owners ----- \$3,999.50
plus
interest

Deposit deficiency ----- \$2,122.00

B. Civil Action No. 71-C-116 (Tract No. 1559M)

Lessor (mineral) interest only

Owners:

| | |
|---|--------|
| Emma Swimmer now Weigart ----- | 21/54 |
| Byrd Deerinwater ----- | 1/108 |
| John Deerinwater ----- | 1/108 |
| Nora Deerinwater now Lowery ----- | 1/108 |
| Thomas Twist, a/k/a James Thomas Deerinwater ----- | 1/216 |
| Willie Gene Twist, a/k/a Willie Gene Deerinwater ----- | 1/216 |
| F. A. Calvert ----- | 31/108 |
| Julian W. Glass, Jr., Trustee, for Eva Payne Glass, Julian W. Glass, Jr., and Ernest Frances Bradfield ----- | 31/108 |

Award of just compensation pursuant to Commissioners' Report -- \$2,497.00 \$2,497.00

Deposited as estimated compensation ----- 1,831.00

Deposit deficiency as to lessor interest (This deficiency will be obtained from surplus deposit for working interest in this case and thus requires no deposit by the Plaintiff.) \$666.00

Disbursed to owners:

To Emma Swimmer now Weigart, only ----- \$712.06

Balance due to owners:

Of original award ----- \$1,784.94

Interest on lessor deficiency at the rate of 6% per annum from April 2, 1971 to May 2, 1973 ----- 83.25

Total due ----- \$1,868.19

C. Civil Action 71-C-117 (Tracts Nos. 1904M and 1909M)

Lessor (mineral) interest and Overriding Royalty Interest

1. Lessor interest:

Owners:

| | |
|--|------|
| Ralph W. Wallingford and Nelesene Wallingford ----- | 1/3 |
| Temple B. Tennant ----- | 1/15 |
| Thelma B. Waller ----- | 1/15 |
| Ruth B. Johnson ----- | 1/15 |

W. V. Davis, Administrator
of the Estate of George H.
Bonnell, deceased ----- 1/15
Ezella Bonnell ----- 1/15
John G. Albin and
Nondis D. Albin ----- 1/3
Award of just compensation pur-
suant to Commissioners' Report -- \$1,119.00 \$1,119.00
Deposited as estimated
compensation ----- 1,002.00
Disbursed to owners:
To Ralph W. Wallingford and
Nelesene Wallingford only ----- 334.00
Balance due to owners ----- \$ 785.00
plus
interest
Deposit deficiency ----- \$ 117.00

2. Overriding royalty interest:

Owner: Atlantic Richfield Company
(Successor to Sinclair Oil & Gas Company)
Award of just compensation pur-
suant to Commissioners' Report -- \$969.00 \$969.00
Deposited as estimated
compensation ----- 851.00
Disbursed to owner ----- None
Balance due to owner ----- \$969.00
plus
interest
Deposit deficiency ----- \$118.00

D. Civil Action 71-C-118 (Tracts Nos. 1905M and 1913M)
Lessor (basic mineral) interest and
Communitized royalty interest

1. Lessor (basic mineral) interest:

Owners:
Carey and Company, a co-partnership ----- 1/4
The First National Bank and Trust
Company of Tulsa, Trustee of the
Helen Whitehill Kenyon Trust ----- 1/4
Ronja Faye Kahan ----- 1/16
Louis Kahan ----- 1/8
Sara Esther Kahan ----- 1/16
The First National Bank and Trust
Company of Tulsa, Trustee of the
Juliann W. Funke Living Trust ----- 1/4

| | | |
|---|---------------|-------------|
| Award of just compensation pursuant to Commissioners' Report -- | \$250.00 | \$250.00 |
| Deposited as estimated compensation | <u>250.00</u> | |
| Disbursed to owners ----- | | <u>None</u> |
| Balance due to owners ----- | | \$250.00 |

2. Communitized royalty interest:

Owners:

| | |
|--|--------------------------|
| The First National Bank and Trust Company of Tulsa, Trustee of the Helen Whitehill Kenyon Trust ----- | 5.882353% |
| The First National Bank and Trust Company of Tulsa, Trustee of the Juliann W. Funke Living Trust ----- | 5.882353% |
| Carey and Company, a co-partnership ----- | 5.882353% |
| Louis Kahan ----- | 1/2 of 5.882353% |
| Sara Esther Kahan ----- | 1/4 of 5.882353% |
| Ronia Faye Kahan ----- | 1/4 of 5.882353% |
| Billie Sudderth McCollum ----- | 5.882353% |
| John F. Sudderth ----- | 5.882353% |
| Flag-Redfern Oil Company ----- | 16.176471% |
| Jennie Tanner ----- | 32.352941% |
| D. Allen Reed, Executor of the Estate of H. E. Reed, deceased, and Ethel A. Reed ----- | 8.088235% |
| Earl Reed ----- | 4.044117% |
| Florence Goldie Reed ----- | 4.044118% |
| Deposited as estimated compensation ----- | \$3,021.00 |
| Award of just compensation pursuant to Commissioners' Report - | 2,662.00 \$2,662.00 |
| Disbursed to owners ----- | <u>None</u> |
| Balance due to owners ----- | \$2,662.00 |
| Deposit surplus ----- | \$359.00 |

E. Civil Action 71-C-119 (Tracts Nos. 1906M and 1911M)

Lessor (free royalty) interest and
Reversionary (mineral) interest

1. Lessor (basic mineral or free royalty) interest:

Owners:

Ann Barnard Whitehill ----- 1/4
Anne Kimrey ----- 1/4
(was Anne Morehouse Whitehill)
Lois J. Wimberly ----- 1/2

Award of just compensa-
tion pursuant to
Commissioners' Report -- \$2,635.00 \$2,635.00
Deposited as estimated
compensation ----- 2,138.00
Disbursed to owners ----- None
Balance due to owners ----- \$2,635.00
plus
interest
Deposit deficiency ----- \$ 497.00

2. Reversionary (mineral) interest:

Owner: Atlantic Richfield Company
(Successor to Sinclair Oil & Gas Co.)

Award of just compensa-
tion pursuant to
Commissioners' Report ---- \$600.00 \$600.00
Deposited as estimated
compensation ----- None
Disbursed to owners ----- None
Balance due to owners ----- \$600.00
plus
interest
Deposit deficiency ----- \$600.00

F. Civil Action 71-C-120 (Tract No. 1907M)

Lessor (mineral) interest and Overriding Royalty Interest

1. Lessor (mineral) interest:

Owners:

Flag-Redfern Oil Company ----- 1/2
Louis Kahan ----- 1/16
Sara Esther Kahan ----- 1/32
Ronja Faye Kahan ----- 1/32
The First National Bank and Trust
Company of Tulsa, Trustee of the
Helen Whitehill Kenyon Trust ----- 1/8

| | | |
|--|------------|--------------------------------|
| The First National Bank and Trust Company of Tulsa, Trustee of the Juliann W. Funke Living Trust ----- | 1/8 | |
| Carey and Company, a co- partnership ----- | 1/8 | |
| Award of just compensa- tion pursuant to Commissioners' Report --- | \$1,815.00 | \$1,815.00 |
| Deposited as estimated compensation ----- | 1,289.00 | |
| Disbursed to owners ----- | | None |
| Balance due to owners ----- | | \$1,815.00 plus interest |
| Deposit deficiency ----- | \$ 526.00 | |

2. Overriding royalty interest:

Owners:

| | | |
|--|------------|--------------------------------|
| Harris Trust and Savings Bank, Trustee under W. J. Brundred Will ----- | 1/3 | |
| B. F. Brundred and Benjamin F. Brundred, Jr. ----- | 1/3 | |
| Robert B. Bossler ----- | 1/3 | |
| Award of just compensa- tion pursuant to Commissioners' Report --- | \$3,429.00 | \$3,429.00 |
| Deposited as estimated compensation ----- | 2,377.00 | |
| Disbursed to owners ----- | | None |
| Balance due to owners ----- | | \$3,429.00 plus interest |
| Deposit deficiency ----- | \$1,052.00 | |

G. Civil Action 71-C-121 (Tract No. 1908M)

Lessor (mineral) interest only

Owners:

| | | |
|---|----------|----------|
| Harris Trust and Savnngs Bank, Oil City, Pa., Trustee under W. J. Brundred Will ---- | 1/3 | |
| B. F. Brundred and Benjamin F. Brundred, Jr. ----- | 1/3 | |
| Robert B. Bossler ----- | 1/3 | |
| Deposited as estimated compensation - | \$250.00 | |
| Award of just compensation pursuant to Commissioners' Report ----- | 210.00 | \$210.00 |
| Disbursed to owners ----- | | None |
| Balance due to owners ----- | | \$210.00 |
| Deposit surplus ----- | \$ 40.00 | |

H. Civil Action 71-C-122 (Tract No. 1919M)

Lessor (mineral) interest only

Owners:

Flossie Crumrine, successor in
interest to Jasper Myers, deceased --- 1/7

Heirs of Gladys Crawford, deceased,
who are:

Ora Crawford ----- 1/14

Alta M. Gabany ----- 1/14

Clarence Myers ----- 1/7

Ruth Scott ----- 1/7

Thelma Gibson ----- 1/7

Lawrence Myers ----- 1/7

Mildred Morgan ----- 1/7

Award of just compensation pur-
suant to Commissioners' Report -- \$971.00 \$971.00

Deposited as estimated compen-
sation ----- 510.00

Disbursed to owners ----- None

Balance due to owners ----- \$971.00
plus
interest

Deposit deficiency ----- \$461.00

I. Civil Action No. 71-C-123 (Tract No. 1921M)

Lessor (mineral) interest only

Owner:

Pearl M. and Julia J. Harmon, Foundation, Inc.

Award of just compensa-
tion pursuant to
Commissioners' Report --- \$2,500.00 \$2,500.00

Deposited as estimated
compensation ----- 2,437.00

Disbursed to owner ----- None

Balance due to owner ----- \$2,500.00
plus
interest

Deposit deficiency ----- \$ 63.00

J. Civil Action No. 71-C-124 (Tract No. 1922M)

Lessor (mineral) interest only

Owner: Sarah J. Howerton

Deposited as estimated compensation \$1,622.00 \$1,622.00

Award of just compensation pursuant
to Commissioners' Report ----- 945.00

Disbursed to owner ----- \$1,622.00

Overdeposit and overpayment
to owner ----- \$ 677.00

K. Civil Action 71-C-125 (Tract No. 1924M)

Lessor (mineral) interest only

Owners:

Laura Hamilton Badger and The First
National Bank and Trust Company,
Okmulgee, Oklahoma ----- 1/2
Grace Anglin Gresham ----- 1/2

Award of just compensation
pursuant to Commissioners'
Report ----- \$2,502.00 \$2,502.00
Deposited as estimated
compensation ----- 764.00
Disbursed to owners ----- None
Balance due to owners ----- \$2,502.00
plus
Interest
Deposit deficiency ----- \$1,738.00

L. Civil Action 71-C-126 (Tract No. 1925M)

Lessor (mineral) interest only

Owners: Glenn Gibson and Thelma Gibson

Award of just compensation
pursuant to Commissioners'
Report ----- \$50.00 \$50.00
Deposited as estimated
compensation ----- \$50.00
Disbursed to owners ----- None
Balance due to owners ----- \$50.00

M. Civil Action 71-C-127 (Tract No. 1926M)

Lessor (mineral) interest only

Owner: Emma J. White

Deposited as estimated
compensation ----- \$407.00
Award of just compensation
pursuant to Commissioners'
Report ----- 176.00 \$176.00
Disbursed to owner ----- None
Balance due to owner ----- \$176.00
Surplus deposit ----- \$231.00

It Is Further ORDERED, ADJUDGED and DECREED that the Clerk of this Court now shall disburse from the deposits for certain civil actions, certain sums as follows:

1. Civil Action 71-C-116 (Tract No. 1559M):

| | |
|---|------------|
| To: P.I.C. Management Co., Inc. ----- | \$2,490.50 |
| H. S. Milam ----- | 830.17 |
| Mildred M. Viles ----- | 830.17 |
| Mary M. Hackett ----- | 830.16 |
| Bureau of Indian Affairs, Muskogee Area Office, for deposit to the account of: | |
| Emma Swimmer now Weigart ----- | 291.37 |
| (\$1,003.43 less prior disbursal of \$712.06) | |
| Byrd Deerinwater ----- | 23.89 |
| John Deerinwater ----- | 23.89 |
| Nora Deerinwater now Lowery ----- | 23.89 |
| Thomas Twist a/k/a James ----- | 11.95 |
| Willie Gene Twist, a/k/a Willie Gene Deerinwater ----- | 11.94 |
| F. A. Calvert ----- | 740.63 |
| Julian W. Glass, Jr., Trustee for Eva Payne Glass, Julian W. Glass, Jr., and Ernest Frances Bradfield ----- | 740.63 |
| Treasurer, United States of America ---- | 881.75 |

2. Civil Action 71-C-118 (Tracts Nos. 1905M & 1913M):

To:

| | |
|--|----------|
| Carey and Company, a co-partnership ----- | \$219.09 |
| The First National Bank and Trust Company of Tulsa, Trustee of the Helen Whitehill Kenyon Trust ----- | 219.09 |
| Ronia Faye Kahan ----- | 54.77 |
| Louis Kahan ----- | 109.54 |
| Sara Esther Kahan ----- | 54.77 |
| The First National Bank and Trust Company of Tulsa, Trustee of the Juliann W. Funke Living Trust ----- | 219.09 |
| Billie Sudderth McCollum ----- | 156.59 |
| John F. Sudderth ----- | 156.59 |
| Flag-Redfern Oil Company ----- | 430.62 |
| Jennie Tanner ----- | 861.24 |
| D. Allen Reed, Executor of the Estate of H. E. Reed, deceased, and Ethel A. Reed ----- | 215.31 |
| Earl Reed ----- | 107.65 |
| Florence Goldie Reed ----- | 107.65 |
| Treasurer, United States of America ----- | 359.00 |

3. Civil Action 71-C-121 (Tract No. 1908M):

To:

| | |
|---|---------|
| Harris Trust and Savings Bank, Oil City, Pa., Trustee under W. J. Brundred Will ----- | \$70.00 |
| B. F. Brundred and Benjamin F. Brundred, Jr. (jointly) ----- | 70.00 |
| Robert B. Bossler ----- | 70.00 |
| Treasurer, United States of America ----- | 40.00 |

4. Civil Action 71-C-126 (Tract No. 1925M)

To: Glenn Gibson and Thelma
Gibson, jointly ----- \$50.00

5. Civil Action 71-C-127 (Tract No. 1926M)

To: Emma J. White ----- \$176.00
Treasurer, United States of America ---- 231.00

14.

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have judgment against the defendant, Sarah J. Howerton, for the overpayment to her, as shown in paragraph 12 above, in the amount of \$677.00.

The defendant, Sarah J. Howerton, to satisfy this judgment, shall pay into the Registry of this Court the sum of \$677.00 and the Clerk of this Court shall credit such payment to the deposit for Civil Action 71-C-124.

The Clerk then shall pay from said deposit, to:

Treasurer, United States of America ----- \$677.00.

15.

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, shall pay into the Registry of this Court the deposit deficiencies for the various civil actions as computed in paragraph 12 above, together with interest on each such deficiency computed at the rate of 6% per annum from April 2, 1971, to the date of such payment, and the Clerk of this Court shall credit such deficiency deposit to the respective civil actions as follows:

1. Civil Action 71-C-115 (Tract No. 1558M) ----- \$2,122.00
plus accrued interest on such deficiency
2. Civil Action 71-C-117 (Tracts Nos. 1904M
and 1909M) ----- \$235.00
plus accrued interest on such deficiency

16.

3. Civil Action 71-C-119 (Tracts Nos. 1906M
and 1911M) ----- \$1,097.00
plus accrued interest on such deficiency
4. Civil Action 71-C-120 (Tract No. 1907M) ----- \$1,578.00
plus accrued interest on such deficiency
5. Civil Action 71-C-122 (Tract No. 1919M) ----- \$461.00
plus accrued interest on such deficiency
6. Civil Action 71-C-123 (Tract No. 1921M) ----- \$63.00
plus accrued interest on such deficiency
7. Civil Action 71-C-125 (Tract No. 1924M) ----- \$1,738.00
plus accrued interest on such deficiency

16.

It Is Further ORDERED that when the deficiency deposits required by paragraph 15 above, have been made by the Plaintiff, the Clerk of this Court then shall disburse from the deposits for Civil Actions 71-C-115, -117, -119, -120, -122, -123, and -125 to each owner of the property involved in such cases the balance of his or her share of the award due to him or her, together with his or her proportionate share of the accrued interest on the respective deposit deficiencies, according to such owner's fractional interest in the subject property, as shown above in Part II of paragraph 12.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

PUBLIC SERVICE COMPANY OF OKLAHOMA,
An Oklahoma corporation,

Plaintiff,

-vs-

No. 72-C-464

A 130 foot wide easement and right-of-
way for electric power transmission line
purposes to be located upon, over and
across certain tracts of land in Nowata
County, State of Oklahoma;

AND

THE UNITED STATES OF AMERICA as a mat-
ter affecting the title to certain
Cherokee Indian lands previously allot-
ed in fee with certain restraints on
alienation and presently owned in part
by restricted Cherokee Indians; MYRTLE
ENYART, a/k/a Cora M. Bryan, 1/2 Cher-
okee, Roll No. 31511 and GRACE SCHWEN-
KIN, a/k/a Lena G. Dallas, 1/2 Cherokee
Roll No. 31510,

Defendants.

FILED

MAY 17 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINAL DECREE AUTHORIZING
TAKING IN CONDEMNATION

Now, on this 16 day of May, 1973, this cause comes on
regularly to be heard, Plaintiff appearing by its attorney,
Richard H. Ruth, and Defendant United States of America, as
Trustee, appearing by Jack Short, Assistant United States
Attorney for the Northern District of the State of Oklahoma,
all parties having announced ready for trial, the attention
of the Court is directed to each and every of the following
pleadings heretofore filed in this proceeding, to-wit:

The Complaint and Application for Order directing manner
of service, verified under oath; the Order of this Court direct-
ing the manner of service of Notice; Notice by Plaintiff to the
Attorney General of the United States of America, in Washington,
D. C., and Nathan G. Graham, United States Attorney for the
Northern District of Oklahoma; Notice by the Clerk of this Court
to the Area Director, Muskogee Area Office, Bureau of Indian
Affairs, Department of the Interior, Muskogee, Oklahoma, on
behalf of the United States of America, for the above named
Cherokee Indians; Affidavits of Mailing and Delivery of Notices
executed under oath by Richard H. Ruth, attorney; General appear-
ance of the United States on behalf of said restricted Cherokee
Indians; Order Appointing Commissioners; Oath of Commissioners;
Report of Commissioners; Order Fixing Commissioners Fees; all as
filed herein;

Whereupon, Plaintiff, by and through its attorney, in open Court, waives its right to trial by jury, and Defendants, by and through said Assistant United States Attorney, in open Court, waive their right to trial by jury, and thus being fully advised in the premises, all parties submit the issue of damages to the Court for determination.

Plaintiff and Defendants then introduced their respective testimony and evidence relative to the damages suffered by the parties in interest in and to the lands herein condemned and which will result from appropriation by the Plaintiff of a perpetual easement and right-of-way for an electric power transmission line, all as hereinafter more particularly set out, and the Court being fully advised in the premises;

THE COURT FINDS that the matters set out in the verified Complaint filed herein by Plaintiff are true and correct, and said Plaintiff, a corporation, organized under the laws of the State of Oklahoma, authorized and qualified to furnish light, heat and power by electricity, engaged in the generation and production of electricity for light, heat and power purposes, and for the distribution and sale thereof throughout eastern and southwestern Oklahoma, characterized by the laws of the State of Oklahoma as a public service corporation, and operating as such, is therefore authorized by the laws of the State of Oklahoma to exercise the right of eminent domain to acquire rights-of-way for electric power transmission and distribution, and it further appearing that the taking and use of an easement and right-of-way for the purposes is a taking and use for a public purpose, and that said Plaintiff should be granted the relief prayed for in its Complaint; that this Court has proper jurisdiction of this cause by reason of the Act of Congress of March 3, 1901, Chapter 832, Section 3, 31 Stat. 1084, 24 USCA, Sec. 357; applicable Oklahoma Statutes are 27 O.S.A., Sec. 7, and 66 O.S.A., Secs. 51-60, inclusive; Rule 71-A(k) of the Federal Rules of Procedure applies; and that notice of this proceeding has been served according to law and the Order of this Court upon all of the parties in interest in and to the lands involved herein, including the United States of America, which is an interested party by reason of the fact that this matter affects the title to certain restricted lands previously allotted in fee with certain restraints on alienation and presently owned by a restricted Cherokee Indian. That all necessary parties to this cause are now properly before the Court for final disposition of the proceedings; that all parties hereto have waived their right to trial by jury; and Defendant, United States of America, has joined with Plaintiff in praying that full disposition be made of this proceeding, and the Court make its finding with respect to damages; that the easement and right-of-way sought to be condemned by Plaintiff herein will not, in any

manner, constitute a burden or encumbrance upon the mineral interests in said land involved herein.

THE COURT FURTHER FINDS that the nature of the property and the rights with respect to the lands so to be taken and the uses for which said property is to be taken are:

A perpetual easement and right-of-way 130 feet in width for the purpose of erecting, operating, and maintaining upon, over and along the route and across the lands hereinafter fully described, an electric power transmission line, consisting of double-pole H-frame structures, and special steel structures carrying wires and fixtures, operating initially at 345 thousand volts, carrying, for transmission, electric power and energy and telephone and telegraph messages necessary to the operation thereof, together with rights and privileges of ingress and egress for the purpose of constructing, operating, maintaining, removing or reconstructing said electric power transmission line at any time, and including also the right to cut down, trim, remove or chemically treat trees and undergrowth, and to prohibit the placement of or remove other obstacles which may, in Plaintiff's judgment, interfere with or endanger said line, its maintenance or operation within an area of sixty-five (65) feet on both sides of the center line thereof, BUT RESERVING, nevertheless, to the landowners, lessees and tenants of said lands, at all times, the right to make any use of said lands, including the 130 foot width of said easement, as is not inconsistent with or dangerous to the operation and maintenance of said electric power transmission line.

THE COURT FURTHER FINDS that the description of the lands upon, over and across which Plaintiff seeks herein to condemn said easement and right-of-way, together with the beneficial owner thereof, Defendant herein, and the reasonable and adequate compensation for the damages occurring to said lands and interest therein as the result of said appropriation of an easement and right-of-way thereover is as follows:

TRACT NO. 2:

The East Half of the Northeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 23, Township 25 North, Range 15 East, Nowata County, Oklahoma.

To construct upon, over and across said tract an electric power transmission line carrying initial nominal voltage of 345 KV, having 6 conductors and 2 shield wires, all mounted on double-pole H-frame structures, upon an easement 130 feet in width, the center line of which is described as follows:

Entering said tract 65 feet West of the Southeast corner thereof, thence in a northerly direction leaving said

at a point 66 feet West of the Northeast corner of said tract. Traversing said tract a total distance of 79 rods.

Including the location of 2 double-pole H-frame structures.

OWNERS: Myrtle Enyart, also known as Cora M. Bryan, 1/2 Cherokee, Roll No. 31511; Grace Schwenkin, also known as Lena G. Dallas, 1/2 Cherokee, Roll No. 32094, successors to the interest of Rosa Dallas, deceased, full blood Cherokee, Roll No. 31510

TOTAL DAMAGES AWARDED: (\$600.00)

THE COURT FURTHER FINDS that the foregoing damages awarded adequately compensate the beneficial owner of said land for all injury and damage done, either directly or indirectly, to the interest of the beneficial owner in and to said lands, crops, fences and improvements thereon, which may result from the construction, operation and maintenance of said electric power transmission line, and that such award also includes adequate compensation for the right of future ingress and egress to and from said land for future maintenance, operation, reconstruction or removal of said lines, but does not include damages to said line or to crops, fences and improvements thereon which may, in the future, result from unreasonable exercise of said right of entry or such maintenance, operation, reconstruction or removal.

THE COURT FURTHER FINDS that Plaintiff has heretofore, on the 13th day of February, 1973, paid to the Clerk of this Court the sum of \$600.00, pursuant to the Report of Commissioners filed herein; said amount being the full amount reported by said Commissioners.


IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiff has thereby adequately compensated the above-mentioned defendants by virtue of said payment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the entry upon and taking forthwith of said perpetual easement and right of way as found and described above herein, upon, over and across said lands as hereinbefore set out by Plaintiff, for the construction, operation, reconstruction or removal of an electric power transmission line, all as prayed for in said Complaint, is hereby authorized and confirmed in all things, and said Plaintiff, Public Service Company of Oklahoma, is hereby vested with the perpetual right of ingress and egress, all free and clear of any and all claims of Defendant herein, her heirs and assigns, who are hereby perpetually enjoined and barred from hereinafter claiming adversely to Plaintiff's said rights, privileges and estate ordered, decreed, adjudged and granted herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court make payment to the restricted owners the amount due, all as provided by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the perpetual easement and right-of-way taken by Plaintiff and described herein in the operation of said electric power transmission line will not, in any way, constitute a burden or encumbrance upon the mineral interests in said land.

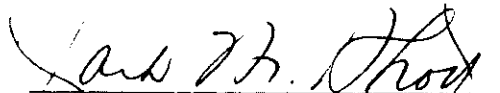
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the costs of this proceeding be taxed against the Plaintiff.


Allen E. Barrow, Judge, U. S.
District Court for the Northern
District of Oklahoma

APPROVED FOR PLAINTIFF:


Richard H. Ruth


APPROVED FOR DEFENDANTS:


Jack Short
Assistant U. S. Attorney
Northern District of Oklahoma

STATE OF OKLAHOMA, County of Tulsa, ss:

I, the undersigned Clerk of the U. S. District Court for the Northern District of Oklahoma, do hereby certify that on the 13th day of February, 1973, Public Service Company of Oklahoma, Plaintiff in said cause, deposited in my office in said cause for the use and benefit of the party in interest and owner of the tract of land in said Decree described, the full amount of all damages to said party awarded, and has further paid all costs accruing in this office in said action to this date.

Witness my hand and seal of office hereto affixed at the Federal Building in Tulsa, Oklahoma, this 14th day of May, 1973.


Jack C. Silver, Clerk
U. S. District Court for the
Northern District of Oklahoma

By _____
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

INTERNATIONAL LADIES' GARMENT
WORKERS UNION, AFL-CIO,

Plaintiff,

vs.

TODDLIN' TIME, INC.,

Defendant.

No. 72-C-416

FILED
MAY 17 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER ALLOWING DISMISSAL ON PLAINTIFF'S MOTION

Now on this 16th day of May, 1973, this matter came before the undersigned Judge of the United States District Court; and it appearing to the Court that Plaintiff's Motion for leave to dismiss the above entitled action with prejudice, filed herein on the 14th day of May, 1973, should be sustained;

IT IS THEREFORE ORDERED that the complaint filed herein by the Plaintiff be dismissed with prejudice to the bringing of another action concerning any of the matters involved herein.

DATED this 16th day of May, 1973.

Luther Bohannon
United States District Judge

APPROVED AS TO FORM:

Robert E. Funk, Jr.
Robert E. Funk, Jr.
Attorney for Plaintiff

John M. Keefer
John M. Keefer,
Attorney for Plaintiff

Carl D. Hall, Jr.
Carl D. Hall, Jr.
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

M & S ENTERPRISES, INC.,)
an Oklahoma corporation,)
)
 Plaintiff,)
)
vs.)
)
TARTAN MOTOR INNS, a)
Delaware corporation, et al.,)
)
 Defendants.)

No. 70-C-183

F I L

MAY 1 1973

Jack C. Smith
U. S. DISTRICT COURT

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND JUDGMENT

There came on for non-jury trial, on the 6th day of March, 1973, the above-styled case. Plaintiff, M & S ENTERPRISES, INC., an Oklahoma corporation, appeared in person and by its attorney, Stan P. Doyle; and Defendant, TARTAN MOTOR INNS, INC., (hereinafter referred to as "TARTAN"), a Delaware corporation, appeared neither by agent or counsel; Defendant, ANGELO DISPRITO, appeared neither in person nor by counsel; Defendant, CODY W. ICE, appeared neither in person nor by counsel; Defendant, WADE H. LITTRELL (hereinafter referred to as "LITTRELL"), appeared in person and by his attorneys, Irvine E. Ungerman and James H. Griffin.

The Court proceeded to hear the evidence and testimony of witnesses properly sworn and examined in open Court. The Court has considered the interest, if any, which a witness may have in the result of the trial; the relation of the witness to the parties; the bias or prejudice, if any has been apparent; the candor, fairness, intelligence and demeanor of the witness; the ability of the witness to remember and relate past occurrences; means of observation, and opportunity of knowing the matters about which the witness has testified.

Thereafter, the Court took the matter under advisement.

NOW, on this 12th day of May, 1973,
after having carefully considered the matter under advisement,
and being fully advised in the premises, the Court makes the
following Findings of Fact, Conclusions of Law and Judgment.

FINDINGS OF FACT

1. The Court finds that the requisite diversity of citizenship exists between the parties and the amount in controversy exceeds the sum of \$10,000.00, exclusive of interest and costs.

2. The Court further finds that the parties to this litigation, except ANGELO DISPRITO, were properly and personally served with summons.

3. This is an action for money damages because of the alleged fraudulent representations of the defendants and the conversion of plaintiff's funds; and in the alternative as against the defendant, CODY W. ICE, for breach of a contract for guaranty.

In the first cause of action plaintiff seeks \$12,500.00 actual damages and \$100,000.00 punitive damages against the defendants, and each of them.

In the second cause of action, plaintiff seeks judgment against the defendant, CODY W. ICE, in the sum of \$12,500.00 for breach of contract, costs of collection and a reasonable attorney's fee of \$4,125.00.

4. The Court finds that defendant LITRELL was at all times material to this litigation the President of TARTAN. In this connection, the Court finds that there was introduced into evidence the following materials: (1) a business card denoting Wade H. Littrell as President of TARTAN (Plaintiff's exhibit 2); (2) a Corporate Depository Authority to the Industrial National Bank of Rhode Island, executed June 12, 1969 (Plaintiff's Exhibit 1) indicating Wade H. Littrell as President; and (3) cancelled checks, some of which were executed by Wade H. Littrell as President (Plaintiff's Exhibit 9).

5. The Court further finds that LITRELL was at all

times material to this litigation a franchise agent for TARTAN (Plaintiff's Exhibit 3).

6. The Court finds, based on the evidence, that the Defendant LITTRELL, held himself out to be the President of TARTAN despite his testimony at trial that he was exclusively controlled by ANGELO DISPRITO, who was then Chairman of the Board of TARTAN.

7. The Court finds that at all times material herein LITTRELL was acting in a dual capacity, not only in an individual capacity as the exclusive franchise agent, but also as the President of TARTAN.

8. The Court finds that TARTAN subfranchised certain states, including Oklahoma, to the Defendant, CODY W. ICE. The Court further finds that LITTRELL individually employed Sherrod Smith as a franchise salesman.

9. The Court finds that Sherrod Smith and CODY W. ICE made a franchise presentation to the Plaintiff, and, that the Defendant, LITTRELL, by his own testimony had knowledge, at least, as to the matters contained in the standard franchise agreement, which was introduced into evidence. (Plaintiff's Exhibit 7).

10. The Court finds that although the Defendant, LITTRELL, by his verified answer on file in this litigation, maintained that he had not actively engaged in the operation of TARTAN between the dates of August 4, 1969, and February 4, 1970, he did admit at trial, upon examination by the Plaintiff's attorney, of engaging in conversations with Mr. Maness, an officer of Plaintiff, relating to the franchise agreement; receiving franchise applications; and signing checks and paying bills of TARTAN during said period of time.

11. The Defendant, LITTRELL, further testified that on December 19, 1969, he was in St. Louis, Missouri, at his home with a broken leg. After further examination, he admitted that he was in Rhode Island because of the illness of the Defendant, ANGELO DISPRITO, and that he met the Defendant, CODY W. ICE, at Providence, Rhode Island, on that date.

12. The Court finds that although the Defendant, LITTRELL,

denied knowledge of the receipt of the license application and the Plaintiff's certified check in the amount of \$12,500.00, the check was deposited in the account of TARTAN on December 22, 1969, endorsed "Tartan Motor Inns, Inc. ---Laurette Lessard". Laurette Lessard, as reflected by Plaintiff's Exhibit 1, was designated Office Manager.

13. The Court finds that there is no evidence in the record that TARTAN ever accepted the proposed license agreement tendered by the Plaintiff.

14. By his own testimony, the Defendant, LITTRELL, admitted receiving \$20,000.00 in commission from the corporate bank account, on December 22, 1969, (the same day plaintiff's check was deposited), which sum of money was not drawn by the corporation's check, but which was drawn directly from the account of the corporation in the form of a certified check voucher drawn on the Industrial National Bank of Rhode Island, payable to LITTRELL.

15. The Court finds that the Defendant, LITTRELL, upon receiving the \$20,000.00 check drawn on the account of TARTAN, undertook to pay unto the Defendant, DISPRITO, the sum of \$5,000.00, and unto the Defendant, ICE, the sum of \$6,000.00.

16. The Court finds that although the Defendant, LITTRELL, stated that he received no commissions from the Defendant corporation since December 19, 1969 (as reflected in his verified answer) he did testify in open Court that he received the \$20,000.00 on December 22, 1969.

17. The Court finds, based on the testimony of Mr. Jim Maness, that he did discuss with the Defendant, LITTRELL, the interim and permanent financing proposal as represented in the standard license application and standard franchise agreement by telephone prior to the delivery of the \$12,500.00.

18. The Court finds that it was necessary for the Plaintiff to coordinate payments under the land option agreement for the partial payments for the real estate in Oklahoma City, with interim payments to be made by TARTAN under its interim financing

and permanent financing arrangement.

19. The Court finds that the Defendant, LITTRELL, represented to plaintiff that TARTAN was capable of financing the motel, all as represented in the standard license application and standard franchise and lease agreements.

20. That on December 19, 1969, Defendant, CODY W. ICE, as "Guarantor" entered into a "Guaranty Agreement" (Plaintiff's Exhibit 11) wherein he agreed to guaranty M & S ENTERPRISES, INC., James H. Maness and Robert L. Studebaker in the sum of \$12,500.00 in the event of specified events. Said "Guaranty Agreement" further provided that in the event it is necessary to collect said obligation through the Courts that "Guarantor" will pay all reasonable costs of collection including a reasonable attorney's fee.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Court makes the following Conclusions of Law.

1. The Court has jurisdiction of the subject matter and of the Defendants, TARTAN, CODY W. ICE, and LITTRELL.

2. One of the theories of recovery advanced by Plaintiff is misrepresentation. The Court finds that a misrepresentation is a misstatement of fact which, if accepted, leads the mind to an apprehension of a condition other than and different from that which exists. It is the representation as true of what is false. Words or conduct asserting the existence of a fact constitute a misrepresentation if the fact does not exist. Misrepresentation may be said to import a positive and false statement as to the subject matter of a transaction. Many fraud cases are based on false statements of material facts.

Misrepresentation is never to be presumed, but must be pled and proved by clear, cogent and convincing testimony and/or evidence.

The Court concludes, from an examination of all the evidence, that the Plaintiff, has not sustained the burden of

proving misrepresentation by clear, cogent and convincing testimony and/or evidence.

3. Title 23 O.S.A. Section 9 provides:

"In any action for the breach of an obligation not arising from contract, where the Defendant has been guilty of oppression, fraud or malice, actual or presumed, the jury, in addition to the actual damages, may give damages for the sake of example and by way of punishing the defendant."

4. The Court finds, as a matter of law, since fraud was not established at trial, that the Plaintiff is not entitled to punitive or exemplary damages. Stoody Company v. Royer, (CCA 10th, 1967) 374 F.2d 672, 678 and 679.

5. An alternative theory of recovery advanced by plaintiff is that of conversion. Directors, officers or agents are personally liable for conversion of another's property or funds if they participate in the wrong, or have knowledge amounting to consent or acquiescence, or are guilty of culpable negligence in allowing the commission of the wrong. This is so even if they act in behalf of the corporation and do not personally benefit or profit therefrom. Lobata v. Pay-less Drug Stores (CCA 10th, 1958) 261 F.2d 406. This Court concludes, based on the evidence, that TARTAN converted the monies of the Plaintiff wrongfully and that CODY W. ICE and LITTRELL, under the law as agents and/or officers, are individually liable to Plaintiff.

6. Plaintiff also seeks to recover as against the Defendant, CODY W. ICE, on the executed "Guaranty Agreement". The Court concludes, as a matter of law, that the Defendant, CODY W. ICE, is liable to Plaintiff on the "Guaranty Agreement", and Plaintiff is entitled to judgment in the sum of \$12,500.00, plus the costs, all as provided in the "Guaranty Agreement."

7. The Court finds that this is not a proper case for the entry of a default judgment as to the Defendant, CODY W. ICE. Olsen v. International Supply Co. (DC, Alaska, Third Division, Anchorage, 1958) 22 F.R.D. 221.

8. The Court finds that since CODY W. ICE did not appear at the time of trial and prosecute his counterclaim, the said counterclaim should be dismissed with prejudice for failure to

prosecute.

JUDGMENT

IT IS, THEREFORE, ORDERED, based on the foregoing Findings of Fact and Conclusions of Law that judgment be entered in favor of Plaintiff and against the Defendants, TARTAN MOTOR INNS, INC., CODY W. ICE, and WADE H. LITRELL, in the sum of \$12,500.00

IT IS FURTHER ORDERED that Plaintiff recover the costs of collection, as provided in the "Guaranty Agreement", from the Defendant, CODY W. ICE, which include court costs and an attorney's fee in the amount of \$ 2,125.00.

IT IS FURTHER ORDERED that the counterclaim and cause of action of CODY W. ICE be and the same are hereby dismissed with prejudice for failure to prosecute.

ENTERED THIS 15th day of May, 1973.

Wm B. Jones

CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MELVIN LEWIS JONES,

Petitioner,

vs.

UNITED STATES MARSHAL for the
Northern District of Oklahoma and
DAVE FAULKNER, Sheriff of Tulsa
County, State of Oklahoma,

Respondents.

CLERK OF COURT

NO. 73-C-69
and
73-C-70
(Consolidated)

O R D E R

The Court has for consideration two causes of action, which bear case Nos. 73-C-69 and 73-C-70, wherein the petitioner Melvin Lewis Jones seeks relief from a detainer placed against him by the State of Arkansas on a charge of escape from the Arkansas State Penitentiary (Cummins Unit), Grady, Arkansas.

The Court being fully apprised in the premises finds that:

1. The two causes of action involve a common question of law and fact and they should be ordered consolidated.
2. A request for similar relief from the said Arkansas detainer filed against the petitioner at the Oklahoma State Penitentiary has been previously presented to the United States District Court for the Eastern District of Oklahoma. Therein, the habeas corpus petition was granted and the detainer dismissed on August 28, 1970, based on findings by the Honorable Edwin Langley that Melvin Lewis Jones had offered to submit to Arkansas authorities by waiving extradition, and the said Arkansas authorities failed to respond. The said Arkansas authorities have not prosecuted the said charge to this date.
3. The petitioner's Court-appointed attorney herein has investigated the matter and finds no pending charge of escape against the petitioner filed in Arkansas, although the escape is alleged on the detainer against the petitioner to have occurred September 2, 1966.
4. The Arkansas Statutes 43-1602 provide a three-year Statute of Limitations from the date of the commission of an offense, which time has long since expired. Further, the submission by the petitioner to Arkansas prosecution on this escape charge in February, 1970, should make inoperative the application of Arkansas Statute 43-1604, extending their limitations period for fugitives. Thus, the petitioner may properly, under the law, challenge such escape charge in the State Courts of Arkansas on this defense as well as on the constitutional ground of denial of a speedy trial.

5. The original Arkansas conviction, as alleged by the petitioner and admitted by the Attorney General of the State of Arkansas in his response in the present proceedings, was obtained on the petitioner's plea of guilty in the White County Circuit Court, case No. 2044. The petitioner was not in said proceedings represented by an attorney and it does not appear on the record that he waived such representation. Thus, pursuant to the constitutional rule of *Gideon v. Wainwright*, 372 U. S. 335 (1963), which rule has been declared wholly retroactive, see *Picklesimer v. Wainwright*, 375 U. S. 2 (1963); *Linkletter v. Walker*, 381 U. S. 618, 639 (1965); *Stovall v. Denno*, 388 U. S. 293, 297-298 (1967); *McConnell v. Rhay*, 393 U. S. 2, 3 (1968); *Desist v. United States*, 394 U. S. 244, 250 (1969); *Kitchens v. Smith*, 401 U. S. 847 (1971); the petitioner by appropriate pleading in the State Courts of Arkansas may assert his constitutional right to have his original conviction set aside, and plead anew or proceed to trial.

6. This Court may not go to the merits of the escape charge nor the original conviction because the petitioner has failed to exhaust his State remedies in Arkansas. *Braden v. 30th Judicial Circuit Court of Kentucky*, ___ U. S. ___ (1973).


7. The petitions herein should be granted, the detainer lodged against this petitioner should be cancelled and held for naught, returned unexecuted by Order of Court to the State of Arkansas with a copy of this Order attached, and the petitioner, Melvin Lewis Jones, released forthwith to go free without interference or impediment.

IT IS, THEREFORE, ORDERED that causes of action bearing case Nos. 73-C-69 and 73-C-70 be and they are hereby consolidated.

IT IS FURTHER ORDERED that the petitions are sustained, the detainer in question from the State of Arkansas lodged against this petitioner is cancelled and held for naught; and the said detainer to be returned unexecuted by Court Order to the State of Arkansas with a copy of this Order attached.

IT IS FURTHER ORDERED that the petitioner, Melvin Lewis Jones, be and he is hereby released forthwith from further custody to go free without interference or impediment.

Dated this 15th day of May, 1973, at Tulsa, Oklahoma.


CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF
OKLAHOMA

INOLA MAE YANCHAN,
Administratrix of Estate of
LEOPOLD J. YANCHAN,

Plaintiff,

vs.

AMERICAN LIFE INSURANCE COMPANY,
of Denver, Colorado,

Defendant.

No. 73-C-95

FILED

MAY 11 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

DISMISSAL WITH PREJUDICE

COMES NOW the plaintiff, Inola Mae Yanchan, Administratrix
of Estate of Leopold J. Yanchan, and dismisses the above action with
prejudice to refiling.

INOLA MAE YANCHAN, Plaintiff
Administratrix of Estate of Leopold J. Yanchan

OLLIE W. GRESHAM, Attorney for Plaintiff
905 Mayo Building, Tulsa, Oklahoma 74103
582-5277

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF OKLAHOMA

NELLIE MAE COLLINS,)
)
Plaintiff,)
)
vs.)
)
TALMAN FEDERAL SAVINGS AND)
LOAN ASSOCIATION OF CHICAGO,)
A FEDERAL SAVINGS AND LOAN)
ASSOCIATION,)
)
Defendant.)

No. 72-C-382

FILED

MAY 1 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

NOW, on this 10 day of May, 1973, this cause came on regularly for hearing before the above Court on the Application for Entry of Default Judgment of the plaintiff, NELLIE MAE COLLINS, plaintiff appearing by JERRY L. SMITH, her attorney, and the interpleader defendant, LUCILLE V. MESSALL, not appearing, either in person or by her attorney. The default of the interpleader defendant for failure to answer or otherwise appear having been entered by the Clerk, such default was confirmed and duly ordered by the Court.

The Court finds that at the time of filing this action interpleader defendant was a resident of this County and State, that she was duly and regularly served with summons and a copy of the complaint and the Court's order of interpleader of February 27, 1973, by an officer or other person duly qualified to serve such process on March 21, 1973, in the City of Tulsa, County of Tulsa, State of Oklahoma, and the defendant is fully subject to the jurisdiction of this Court. The Court further finds that it has jurisdiction of the subject matter of this action and that judgment herein made is within the lawful jurisdiction of the Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that plaintiff, NELLIE MAE COLLINS, application for entry of default judgment is hereby sustained and that judgment is rendered against the said

interpleader defendant, LUCILLE V. MESSALL, individually and as administratrix of the estate of F. E. MESSALL foreclosing any claim said interpleader defendant might have had in the money deposited into the Court by defendant, TALMAN FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO, A FEDERAL SAVINGS AND LOAN ASSOCIATION.

Leo J. Kelly
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NADINE CARSON,)
)
 Plaintiff,)
)
 -vs-)
)
 RESORT ENTERPRISES, INC.,)
)
 Defendant.)

No 73-C-46

FILED

MAY 8 - 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

This action came on for hearing upon Plaintiff's Motion for Default Judgment before the undersigned Judge of the United States District Court, and the issues having been duly heard and a decision having been duly rendered, the Court finds as follows:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, Nadine Carson, recover of and from the Defendant, Resort Enterprises, Inc., the sum of \$26,955.30, with interest thereon at the rate of 10% as provided by law, and her costs of this action.

Dated this 8 day of May, 1973.

FRED DAUGHERTY

U. S. DISTRICT COURT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

IN THE MATTER OF THE APPLICATION OF)
FARMERS STATE BANK, AFTON,)
OKLAHOMA, ON BEHALF OF) 73-C-146
EARL C. GARMAN FOR A WRIT OF)
HABEUS CORPUS AD TESTIFICANDUM.)

FILED

MAY 8 - 1973


ORDER DISMISSING PETITION AND
CAUSE OF ACTION

Jack C. Silver, Clerk
U. S. DISTRICT COURT

It appearing to the Court that the Writ sought in this
matter is now moot,

IT IS ORDERED that the petition and cause of action be and
the same are hereby dismissed.

ENTERED this 8th day of May, 1973.


CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

STILLWATER WHEELING COMPANY,
a corporation,

Plaintiff,

vs.

THE ATCHISON, TOPEKA AND SANTA
FE RAILWAY COMPANY, et al.,

Defendants.

72-C-200

MAY 7 1973

Jack C. Shaw, Jr.
U. S. DISTRICT JUDGE

ORDER SUSTAINING MOTIONS TO DISMISS AND DISMISSING
COMPLAINT AND CAUSE
OF ACTION

The Court has for consideration the Motions to Dismiss filed, the briefs, and, being fully advised in the premises, finds:

That said motions should be sustained and the complaint and cause of action dismissed.

IT IS, THEREFORE, ORDERED that the motions to dismiss are sustained and the complaint and cause of action are hereby dismissed.

ENTERED this 7th day of May, 1973.

CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
MAY 4 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
vs.) Civil No. 72-C-390
)
DR. LEON ANDERSON,)
)
) Defendant.)

ORDER ON EXECUTION OF INSPECTION WARRANT

On October 30, 1972, Plaintiff herein filed an Affidavit For Inspection Warrant Under The Federal Food, Drug, and Cosmetic Act; And Memorandum In Support Thereof; on November 1, 1972, a Warrant For Inspection Under The Federal Food, Drug, and Cosmetic Act was issued by the Honorable Allen E. Barrow, Chief Judge, United States District Court for the Northern District of Oklahoma; and, on November 6, 1972 said Warrant was filed herein showing that it was returned by Samuel E. Atkins, Food and Drug Inspector, on November 6, 1972, reciting that said Warrant was executed on November 3, 1972. The Court finds that there is nothing further to come before the Court on this matter and that for the purposes of this Court's records, this case should be closed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that this case be and is hereby closed.

Dated this 7 day of May, 1973.

/s/ Allen E. Barrow
Chief Judge
United States District Court for the
Northern District of Oklahoma

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

CHARLES D. ANDERSON,

Plaintiff,

vs.

SLOPE TRACTOR INCORPORATED and
DeWILD-KEISER COMPANY,

Defendants.

No. 72-C-426

FILED

MAY 4 - 1973

O R D E R

Jack C. Silver, Clerk
U. S. DISTRICT COURT

On March 26, 1973, the above captioned case came on for pre-trial hearing. The Plaintiff Charles D. Anderson appeared by his attorney, Mr. A. M. Covington. The Defendant Slope Tractor Incorporated appeared by its attorney, Mr. Glen Davis, and the Defendant DeWild-Keiser Company appeared by its attorney, Joseph F. Glass. The Defendant DeWild-Keiser Company made an oral motion to dismiss on the grounds that the tractor in question in the case had been sold by the Defendant Slope Tractor Company to the employee of the plaintiff several years prior to the time that DeWild-Keiser had entered into a dealer contract with the co-defendant. Upon statements of the attorneys for the plaintiff and the Defendant Slope Tractor the Court advised the attorney for the plaintiff that he was going to sustain the motion and allow the attorney for the plaintiff ten (10) days within which to ask that the motion be set aside if plaintiff could advise the Court of any newly found evidence.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant DeWild-Keiser Company be dismissed as a party defendant with prejudice to the plaintiff's right to bring any future action arising out of the alleged accident of May 15, 1971.

APPROVED:

Luther Bohannon
LUTHER BOHANNON, JUDGE

A. M. Covington
Attorney for Plaintiff

Glen B. Davis
Attorney for Slope Tractor

Joseph F. Glass
Attorney for DeWild-Keiser

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

HENRY SMITH,

Plaintiff,

-vs-

THE ATCHISON, TOPEKA & SANTA FE
RAILWAY COMPANY, a corporation,
and STILLWATER MILLING COMPANY,
an Oklahoma corporation,

Defendants.)

) Civil Action

) No. 71-C-401

FILED

APR 4 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

This matter comes on for hearing for trial on the 24th day of April, 1973 and continued over to April 26, 1973, and the plaintiff appearing in person and with his attorneys, William C. Lane, John T. Peak and Robert E. Martin, and also came the defendant The Atchison, Topeka & Santa Fe Railway Company, a corporation, and appearing in person with their attorneys, Mr. Don Cooper and William Ross, and the defendant Stillwater Milling Company, an Oklahoma corporation, appearing in person and with its attorney, Joseph M. Best, and this cause came on for trial in its regular order before a jury of twelve men, who being duly empaneled and sworn, well and truly to try the issues joined between plaintiff and the defendants, and a true verdict rendered according to the evidence; and having heard the evidence, the charges of the court and the argument of counsel upon their oaths say:

"We the jury, duly empaneled, do find the issues in favor of the defendant The Atchison, Topeka & Santa Fe Railway Company and against plaintiff; we find in favor of the plaintiff, Henry Smith, and against Stillwater Milling Company, an Oklahoma corporation, and find that plaintiff shall have and recover from said defendant Stillwater Milling Company the sum of \$5,000.00, together with costs of this action, for which let execution issue."

Robert E. Martin

JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.) CIVIL ACTION NO. 69-C-125
10.00 Acres of Land, More or) Tract No. 412M
Less, Situate in Rogers County,)
State of Oklahoma, and Clarence)
McSpadden, et al., and Unknown)
Owners,)
Defendants.)

United States of America,)
Plaintiff,)
vs.) CIVIL ACTION NO. 71-C-229
70.00 Acres of Land, More or) Tract No. 445M
Less, Situate in Rogers County,)
State of Oklahoma, and Charley)
A. Young, et al., and Unknown)
Owners,)
Defendants.)

FILED
MAY 4 1973

J U D G M E N T

Jack C. Silver, Clerk
U. S. DISTRICT COURT

1.

NOW, on this 4th day of ~~March~~ ^{May}, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on February 9, 1972, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estates condemned in Tracts Nos. 412M and 445M, as such tracts and estates are described in the Complaints filed in these actions.

3.

The Court has jurisdiction of the parties and the subject matter of these actions.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in these causes who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject property.

Pursuant thereto, on June 18, 1969, as to Tract No. 412M and on June 22, 1971 as to Tract No. 445M, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declarations of Taking.

6.

Simultaneously with filing the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the described estates in the subject tracts, certain sums of money and part of these deposits has been disbursed as set out below in paragraph 13.

7.

The Report of Commissioners filed herein on February 9, 1972, reveals that at the trial of these cases Mr. Gordon Romine testified that the salvage value of equipment situated on the subject tracts was \$1,492.00, but since it would cost \$12,200.00 to plug the wells on the property he concluded that the working interest had no market value. The Report further shows that both of the tracts involved were producing properties. In spite of this fact, the Commissioners adopted Mr. Romine's conclusion as their own. In so doing the Commissioners acted contrary to the law concerning plugging costs as expressed by the Court of Appeals for the 10th Circuit. This Court, therefore, cannot approve the subject Report insofar as it applies to the award for the working interest. Since the law does not allow the deduction of plugging costs under circumstances as found in the subject cases, it appears that the sum of \$1,492.00, testified to by Mr. Romine as the salvage value of equipment, should be the award for the working interest.

The said Report of Commissioners, insofar as it applies to the lessor (royalty) interest in the subject tracts is not affected by the above-described misapplication of the law on plugging costs. The awards for the lessor (royalty) interest, as set forth below in paragraph 13, appear to be based upon the accepted evidence and should be approved.

8.

This judgment will create a deficiency between the amounts deposited as estimated compensation for the estates taken in the subject tracts and the award of just compensation for such takings, as set forth below in paragraph 13. The Plaintiff should deposit a sum of money sufficient to cover such deficiency.

9.

The defendants named in paragraph 13 as owners of subject property are the only defendants asserting any interest in the estate condemned therein. All other defendants having either disclaimed or defaulted, the named defendants, as of the dates of taking, were the owners of the respective interests in the estates condemned herein, as shown in such paragraph 13, and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as such tracts are described in the Complaints filed herein, and such property, to the extent of the estates described in such Complaints, is condemned, and title thereto is vested in the United States of America, as of June 18, 1969, as to Tract No. 412M, and as of June 22, 1971, as to Tract No. 445M, and all defendants herein and all other persons are forever barred from asserting any claim to such estates.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the dates of taking, the owners of the estates taken in the subject tracts were the defendants whose names appear below in paragraph 13, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 13.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on February 9, 1972, is hereby confirmed, insofar as it applies to the lessor (royalty) interest in the estate taken in subject tracts and the sums therein fixed for such lessor interest are adopted by the Court as just compensation for such interest as set forth in the schedule which follows in paragraph 13.

13.

It Is Further ORDERED, ADJUDGED and DECREED that as to that portion of the Report of Commissioners filed herein on February 9, 1972, which adopts the conclusion of Mr. Gordon Romine to the effect that the working interest in the estate taken in the subject tracts had no market value; and as to the "Conclusion" in such Report, insofar as it recites "value of the working interest --- none", such portions of the subject Report are hereby rejected and set aside.

For the reasons set forth in paragraph 7 above the Court adopts the sum of \$1,492.00 as the award of just compensation for the working interest in the estates taken in subject tracts and such award is allocated among the owners as shown in the following schedule:

TRACTS NOS. 412M and 445M, Combined

1. Lessor (royalty) interest

Owners (pursuant to unitization agreement):

A. Wilma L. Barger, Administratrix of the
Estate of Fred L. Barger, deceased ----- 1/2 of 55/60
B. Clarence F. McSpadden ----- 5/60
C. Bank of Chelsea ----- 1/2 of 55/60

Award of just compensation pursuant
to Commissioners' Report:

| | | | |
|------------------|----------|------------|------------|
| Tract 412M ----- | \$100.00 | | |
| Tract 445M ----- | 900.00 | | |
| Total ----- | | \$1,000.00 | \$1,000.00 |

Deposited as estimated compensation:

| | | | |
|------------------|----------|-----------|--|
| Tract 412M ----- | \$ 65.00 | | |
| Tract 445M ----- | 152.00 | | |
| Total ----- | | \$ 217.00 | |

| | |
|-----------------------------|--------------------------------|
| Disbursed to owners ----- | None |
| Balance due to owners ----- | \$1,000.00 plus interest |

| | |
|---|----------|
| Deposit deficiency as to lessor interest ----- | \$783.00 |
|---|----------|

2. Lessee interest

Owners:

Charley A. Young ----- 1/2
S. E. Richards ----- 1/2

Award of just compensation for both
tracts combined, pursuant to
Court's findings -----

\$1,492.00 \$1,492.00

Deposited as estimated compensation:

| | | | |
|------------------|----------|------------|--|
| Tract 412M ----- | \$204.00 | | |
| Tract 445M ----- | \$855.00 | | |
| Total ----- | | \$1,059.00 | |

| | |
|-----------------------------|--------------------------------|
| Disbursed to owners ----- | 204.00 |
| Balance due to owners ----- | \$1,288.00 plus interest |

| | |
|---|----------|
| Deposit deficiency as to lessee interest ----- | \$433.00 |
|---|----------|

14.

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, shall pay into the Registry of this Court the total deposit deficiency for the subject tracts in the amount of \$1,216.00, together with interest on such deficiency at the rate of 6% per annum computed as follows:

On \$35.00 (Tract 412M lessor deficiency) interest from June 18, 1969 until deposit of deficiency;

On \$748.00 (Tract 445M lessor deficiency) interest from June 22, 1971 until deposit of deficiency; and

On \$433.00 (total lessee interest deficiency) interest from June 18, 1969 until deposit of deficiency.

To simplify disbursal of the awards in this matter the Clerk of this Court shall credit the deficiency deposit ordered above to the deposit for Tract No. 445M in Civil Action 71-C-229, and shall transfer the \$65.00 balance on hand in the deposit for Tract No. 412M (Civil Action 69-C-125) to the said deposit for Tract No. 445M in Civil Action 71-C-229.

15.

It Is Further ORDERED, ADJUDGED and DECREED that when the deficiency deposit and transfer ordered by paragraph 14 above have been accomplished, the Clerk of this Court then shall disburse the sum on deposit in Tract No. 445M in Civil Action 71-C-229 to the owners of the subject property, paying each owner the balance due to him together with his proportionate share of the accrued interest according to the property interest owned by each as shown above in paragraph 13.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 8 - 1973

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ALBERT J. GOMEZ and)
JACQUELINE D. GOMEZ,)
)
Defendants.)

Jack C. Silver, Clerk
Civil U. S. DISTRICT COURT 415

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 2nd
day of May, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, and the defendants,
Albert J. Gomez and Jacqueline D. Gomez, appearing by their
attorney, Hughey Baker; the defendant, State of Oklahoma ex rel
Oklahoma Employment Security Commission, appearing by its attorney,
Milton R. Elliott; and the defendant, Oklahoma Tax Commission
appearing by its attorney, Albert D. Lynn.

The Court being fully advised and having examined the
file herein finds that the defendants, Albert J. Gomez and
Jacqueline D. Gomez, were personally served copies of the Summons
and Complaint on November 13, 1972 and copies of the Summons and
Amended Complaint on February 6, 1973; that the defendant,
Oklahoma Employment Security Commission, was served copies of the
Summons and Amended Complaint on February 8, 1973; and that the
defendant, Oklahoma Tax Commission, was served copies of the
Summons and Amended Complaint on February 8, 1973, all as appears
from the Marshal's Returns of Service herein and,

It appearing that said defendants have duly filed their
Answers herein and the issues have been joined, the following
findings of fact and conclusions of law are herewith entered by
the Court with the approval of counsel for the parties herein.

The Court finds that this is a suit based upon a mortgage
note and foreclosure on a real property mortgage securing said
mortgage note and that the following described real property is

located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma, to-wit:

The South Sixty (60) feet of Lot Six (6), Block Fourteen (14), IRVING PLACE, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof,

and that the defendants, Albert J. Gomez and Jacqueline D. Gomez, did, on August 28, 1970, execute and deliver to the North Side State Bank of Tulsa, Oklahoma, their mortgage note and mortgage in the sum of \$31,500.00 with interest thereon at the rate of 10 per cent per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that said note and mortgage was assigned to the Small Business Administration on December 14, 1971, by the North Side State Bank of Tulsa, Oklahoma.

The Court further finds that the defendants, Albert J. Gomez and Jacqueline D. Gomez, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$27,833.57, together with interest accrued thereon in the amount of \$1,358.21 as of October 17, 1972, with interest accruing thereafter at the rate of \$4.9482 per day until paid, plus the cost of this action accrued and accruing, which default entitles the plaintiff, United States of America, to judgment herein.

The Court further finds that the State of Oklahoma ex rel Oklahoma Employment Security Commission, is entitled to judgment against Albert J. Gomez for the sum of \$116.61 as of January 5, 1972, as prayed for in the answer and cross petition of said Oklahoma Employment Security Commission, which judgment would be inferior to the judgment and lien of the plaintiff, United States of America.

The Court further finds that the Oklahoma Tax Commission is entitled to judgment against Albert J. Gomez in the amount of \$1,037.94 as of January 25, 1972, as prayed for in its answer and cross-petition, which judgment is inferior to the judgment and lien of plaintiff, United States of America.

The Court further finds that the State of Oklahoma ex rel the Oklahoma Employment Security Commission, is entitled to judgment against Albert J. Gomez in the amount of \$40.54 as of May 8, 1972, as set out in its Answer and Cross-Petition but that such judgment is inferior to the judgment and lien of plaintiff, United States of America.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED THAT the plaintiff, United States of America, have and recover judgment against the defendants, Albert J. Gomez and Jacqueline D. Gomez, for the sum of \$27,833.57 together with interest accrued thereon in the amount of \$1,358.21 as of October 17, 1972, and interest accruing thereafter at the rate of \$4.9482 per day, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT the State of Oklahoma ex rel The Oklahoma Employment Security Commission have and recover judgment against the defendant, Albert J. Gomez, for the sum of \$116.61 as of January 5, 1972, plus interest thereafter according to law but that such judgment is inferior to the judgment and lien of the plaintiff, United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Oklahoma Tax Commission have and recover judgment against the defendant, Albert J. Gomez, for the sum of \$1,037.94 as of January 25, 1972, plus interest thereon according to law, but that such judgment is inferior to the judgment and lien of the plaintiff, United States of America.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT the State of Oklahoma ex rel Oklahoma Employment Security Commission have and recover judgment against the defendant, Albert J. Gomez, in the amount of \$40.54 as of May 8, 1972, plus interest thereon according to law but that such judgment is inferior to the judgment and lien of plaintiff, United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT upon failure of said defendants, Albert J. Gomez and Jacqueline D. Gomez, to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT from and after the sale of said property, under and ^{by} virtue of this judgment and decree, all of the defendants and each of them, and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT the Order of Sale shall recite and the sale shall be held subject to any and all ad valorem taxes due and owing against said property as of the date of the sale.

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE
Assistant United States Attorney
Attorney for Plaintiff, United States of America

HUGHEY BAKER

Attorney for Defendants,

Albert J. Gomez and Jacqueline D. Gomez

Robert D. Lynn

ALBERT D. LYNN, General Counsel
Oklahoma Tax Commission

Milton R. Elliott

MILTON R. ELLIOTT, Chief Attorney
State of Oklahoma ex rel Oklahoma
Employment Security Commission

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

KEITH KNOX,
Plaintiff,
vs.
JOSEPH ORVILLE SMITH,
Defendant.

No. 72-C-215

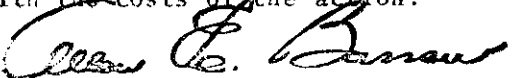
FILED

MAY 3 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

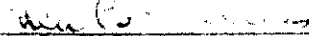
JOURNAL ENTRY OF JUDGMENT

NOW on this 24 day of ^{MAY} ~~APRIL~~, 1973, pursuant to the
agreement entered into between the parties herein judgment is
entered in favor of the plaintiff and against the defendant in
the sum of \$100,000.00, together with the costs of the action.

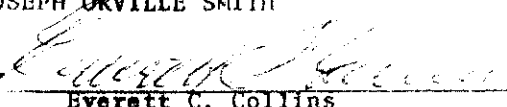

JUDGE

APPROVAL:

BEVERLY SUE KNOX

By 
Jack B. Sellers
Attorney for Plaintiff

JOSEPH ORVILLE SMITH

By 
Everett C. Collins
Attorney for Defendant

By 
Joseph R. Glass
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

KEITH KNOX,
Plaintiff,
vs.
JOSEPH ORVILLE SMITH,
Defendant.

No. 72-C-216

FILED

MAY 3 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

NOW on this 3rd day of MAY, 1973, pursuant to the
agreement entered into between the parties herein judgment is
entered in favor of the plaintiff and against the defendant in
the sum of \$20,889.44, together with the costs of the action.

Dean E. Barnes
JUDGE

APPROVAL:

BEVERLY SUE KNOX

By Jack B. Sellers
Jack B. Sellers
Attorney for Plaintiff

JOSEPH ORVILLE SMITH

By Everett C. Collins
Everett C. Collins
Attorney for Defendant

By Joseph F. Glass
Joseph F. Glass
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

BEVERLY SUE KNOX,
Plaintiff,
vs.
JOSEPH ORVILLE SMITH,
Defendant.

No. 72-C-217

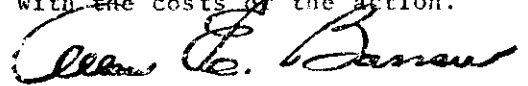
FILED

MAY 3 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT


JOURNAL ENTRY OF JUDGMENT

NOW on this 31st day of MAY, 1973, pursuant to the
agreement entered into between the parties herein judgment is
entered in favor of the plaintiff and against the defendant in
the sum of \$307,500.00, together with the costs of the action.

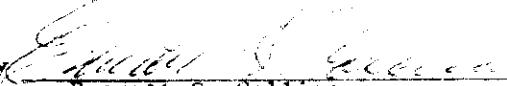

JUDGE

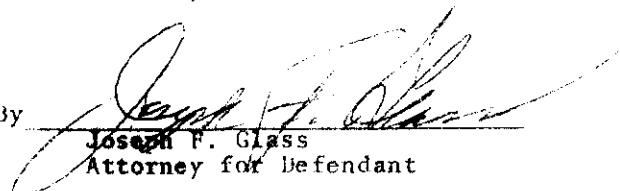
APPROVAL:

BEVERLY SUE KNOX

By 
Jack B. Sellers
Attorney for Plaintiff

JOSEPH ORVILLE SMITH

By 
Everett C. Collins
Attorney for Defendant

By 
Joseph F. Glass
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

GRAN TARA PROPERTY OWNERS
ASSOCIATION, INC.,

Plaintiff,

vs.

AMERICAN CENTRAL CORPORATION,
A Michigan Corporation,

Defendant.

Case No. 72-C-429

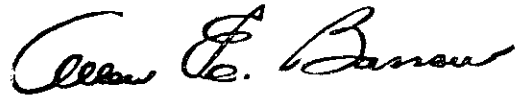
FILED
MAY 2 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW on this 2nd day of ~~April~~ ^{May}, 1973, a Stipulation for Dismissal having been signed by the parties who have appeared in this action pursuant to Rule 41 of the Federal Rules of Civil Procedure and said Stipulation having been filed of record in the above entitled cause,

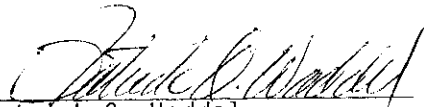
IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the above styled matter ~~& complaint & cause of action~~ presently pending against the Defendant be, and it is hereby dismissed with prejudice to further cause. Each of the parties hereto to bear the respective costs incurred herein including attorneys fees.




Allen E. Barrow
United States Federal District Judge

APPROVED AS TO FORM:

SNEED AND WADDEL

BY 
Patrick O. Waddel
Attorneys for Plaintiff

FARRAR AND SAKELARIS

BY 
George A. Farrar
Attorneys for Defendant

FILED

MAY 2 - 1973

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U. S. DISTRICT COURT

GEORGE ALBERT OAKES,

Plaintiff,

vs.

LEROY TIFFEY, et al.,

Defendants.

NO. 73-C-102

O R D E R

The Court has for consideration an instrument entitled "Petition for Writ of Mandamus and Replivan" wherein the plaintiff alleges that, while escaping from the Oklahoma State Penitentiary, he was apprehended by officials and guards of said Prison who took possession of plaintiff's belongings and personal effects, particularly \$835.00 in money. Petitioner seeks recovery of the said sum, and such other and further relief as the Court deems proper.

Giving the petition the broadest possible interpretation, the Court finds no jurisdictional allegation upon which this United States District Court is required to proceed. The Court, therefore, finds that the cause of action should be denied and dismissed.

IT IS, THEREFORE, ORDERED that this cause of action be and it is hereby denied and dismissed.

Dated this 2nd day of May, 1973, at Tulsa, Oklahoma.

CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA